



U.S. Department of Justice

Environment and Natural Resources Division

90-11-5-2-1-11766

Deputy Assistant Attorney General
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Telephone (202) 514-4624

February 23, 2017

By electronic mail and first-class mail

Sylvia Quast
Regional Counsel, Region IX
United States Environmental Protection Agency
75 Hawthorne St.
San Francisco, CA. 94105-3901

Kathleen H. Johnson
Director, Enforcement Division, Region IX
United States Environmental Protection Agency
75 Hawthorne St.
San Francisco, CA. 94105-3901

Karin Leff, Acting Director
Federal Facilities Enforcement Office
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Washington, DC 20460

Re: Request for Waiver of Monetary and Temporal Limitations on EPA Authority to
Initiate an Administrative Case pursuant to the Clean Air Act with respect to the U.S.
General Services Administration's diesel truck fleet in California

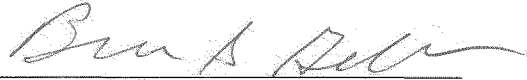
Dear Ms. Johnson, Ms. Quast and Ms. Leff:

I hereby concur, pursuant to Section 113(d)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d)(1), with your request for authorization to commence an administrative enforcement action against the General Services Administration ("GSA") with respect to its certain vehicles in its diesel-fueled truck fleet in California. EPA sought a waiver of the monetary and temporal statutory limitations on EPA's authority to initiate administrative cases under the CAA. The matter involves the GSA's alleged failure to comply with California's Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fuel Vehicles during the 2012 – 2016 time period, see Section 2025, Title 13, California Code of Regulations, which regulations are federally enforceable, 77 Fed. Reg. 20308 (April 4, 2012). This concurrence should not be construed as taking a

position on the ultimate merits of the administrative action or as approval of any particular penalty amount to be sought by the Agency.

Please contact Henry Friedman at 202/514-5268 if the Division may be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce Gelber", written over a horizontal line.

BRUCE GELBER
Deputy Assistant Attorney General

Message

From: Dalzell, Sally [Dalzell.Sally@epa.gov]
Sent: 6/9/2017 4:28:47 PM
To: Leff, Karin [Leff.Karin@epa.gov]
CC: Freyre, Dominique [Freyre.Dominique@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Sanchez, Carlos [sanchez.carlos@epa.gov]; mayer.Rich@epa.gov; Malone, George [Malone.George@epa.gov]
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

I will do Longhorn general summary.

It too is a one time payment.

I know the Army finished the RODs and Nikki and Region 6 made sure the Admin's decision was reflected in them.

I am going to cc Region 6 and see how they feel about the Army's implementation of the decision.

Region 6 colleagues:

Pls see below.

We (FFEO) could write the summary but I would like your opinion on the 2nd question in Pam's note.

Thank you.

This is due Tuesday.

Sally

Sent from my iPhone

On Jun 9, 2017, at 11:49 AM, Leff, Karin <Leff.Karin@epa.gov> wrote:

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13th.

Nate

From: Janifer, Pamela

Sent: Friday, June 09, 2017 11:02 AM

To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>

Subject: Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

Can you turn this around by Tuesday? Thanks

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

Janifer.pamela@epa.gov

<LOG65755-UMATIL_xml.pdf>

<LOG65756-LONGHORN_xml.pdf>

To: Senn, John[Senn.John@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]
Cc: Cozad, David[Cozad.David@epa.gov]
From: Leff, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]
Sent: Wed 5/17/2017 6:41:25 PM (UTC)
Subject: RE: EPA News: U.S. Navy Facility in Cutler, Maine Has Taken Steps to Reduce Emissions under Agreement

Great work everyone – and in record time.

Karin Leff
Acting Director, Federal Facilities Enforcement Office
US EPA-OECA
202.564.7068 (w)
202.236.3669 (c)

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From: Senn, John
Sent: Wednesday, May 17, 2017 2:41 PM
To: Leff, Karin <Leff.Karin@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>
Cc: Cozad, David <Cozad.David@epa.gov>
Subject: FW: EPA News: U.S. Navy Facility in Cutler, Maine Has Taken Steps to Reduce Emissions under Agreement

FYI that the Cutler release went out from R1 a bit ago—great idea to suggest including info on our national work to improve compliance in this area.

I will Tweet this from the OECA Twitter account once R1 posts this to their account.

Dave, another good example of HQ/regional coordination on a press release to highlight.

Thanks,
John

John Senn
Acting Communications Director
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-8996 - senn.john@epa.gov
<https://twitter.com/EPAJustice>

From: US EPA, New England Region [<mailto:noreply-subscriptions@epa.gov>]
Sent: Wednesday, May 17, 2017 2:30 PM
To: Senn, John <Senn.John@epa.gov>
Subject: EPA News: U.S. Navy Facility in Cutler, Maine Has Taken Steps to Reduce Emissions under Agreement

News Release

U.S. Environmental Protection Agency
New England Regional Office
May 17, 2017

Contact: David Deegan, (617) 918-1017

U.S. Navy Facility in Cutler, Maine Has Taken Steps to Reduce Emissions under Agreement

BOSTON – The U.S. Navy has taken steps to reduce emissions of hazardous air pollutants from its stationary diesel generators under an agreement signed recently with the U.S. Environmental Protection Agency.

The agreement relates to the Navy's operation of large diesel powered engines used to generate electricity at the Naval Computer and Telecommunications Area Master Station, Atlantic Detachment, located in Cutler, Maine. The power needed to transmit messages and to de-ice the antennas is supplied by four 4,066 horsepower engines with the capability to generate 3,000 kW of electricity each, and one 906 horsepower engine that has the capability to generate 750 kW of electricity. All five of these engines are subject to the National Emission Standards for Hazardous Air Pollutants for stationary reciprocating internal combustion engines.

To achieve compliance with the federal Clean Air Act requirements for the Navy's large engines, the Navy has installed pollution control equipment on all five of the engines and has completed initial performance tests to demonstrate that the engines meet the national emissions standards. The Navy also submitted the required notifications and compliance status reports to EPA. Under the agreement, the Navy will also pay a penalty of \$811,000 for its violations of the Clean Air Act.

By retrofitting its stationary diesel engines, the Navy is helping reduce hazardous air pollutants such as formaldehyde. Exposure to air toxics may produce a wide variety of health difficulties. Compliance with emission standards also helps reduce emissions of carbon monoxide, nitrogen oxides, volatile organic compounds, and particulate matter. The health effects of these pollutants include a range of respiratory issues, especially asthma among children and seniors.

More information:

- EPA continues to work closely with its federal partners to improve compliance at federally owned and operated facilities and to address instances of non-compliance. EPA is in the process of developing a webinar to further educate the regulated community about the requirements that apply to reciprocating internal combustion engines. More information on the webinar will be announced on FedCenter (<https://www.fedcenter.gov/>) later this summer.
- EPA's website on stationary sources of air pollution contains additional resources about this and other important issues for federal facilities and the regulated community (<https://www.epa.gov/stationary-engines>).
- EPA Clean Air Act enforcement: <https://www.epa.gov/enforcement/air-enforcement>

#

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U.S. EPA, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912 United States

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Cc: Cozad, David[Cozad.David@epa.gov]
From: Senn, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5BF4249FECE54675B2D91C8CDAA66280-JSENN]
Sent: Wed 5/17/2017 6:40:35 PM (UTC)
Subject: FW: EPA News: U.S. Navy Facility in Cutler, Maine Has Taken Steps to Reduce Emissions under Agreement

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<https://twitter.com/EPAJustice>

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To: Senn, John <Senn.John@epa.gov>
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- EPA Clean Air Act enforcement: <https://www.epa.gov/enforcement/air-enforcement>

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U.S. EPA, Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109-3912 United States

To: Kilborn, John[Kilborn.John@epa.gov]; Studlien, Susan[Studlien.Susan@epa.gov]; Jerison, Joanna[Jerison.Joanna@epa.gov]; Wagner, Michael[wagner.michael@epa.gov]; Olivier, Tom[olivier.tom@epa.gov]; Rapp, Steve[Rapp.Steve@epa.gov]; Sansevero, Christine[Sansevero.Christine@epa.gov]; Fenn, Anne[fenn.anne@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]
From: Calder, Steven
Sent: Wed 4/5/2017 1:21:34 PM
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

John,

Thanks for all your hard work. You're the man of the "hour" ... wait ... "day", "week", "month", no ... probably "YEAR".

Thanks,

Steve C

-----Original Message-----

From: Kilborn, John
Sent: Wednesday, April 05, 2017 9:01 AM
To: Studlien, Susan <Studlien.Susan@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven <Calder.Steve@epa.gov>; Fenn, Anne <fenn.anne@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

FYI: Good news. The Navy has signed the Cutler CAFO! Shortly, I will start circulating this CAFO for Susan's signature and then submit it to the Regional Judicial Officer.

Thank you for everyone's help on this case.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]
Sent: Tuesday, April 04, 2017 5:49 PM
To: Kilborn, John <Kilborn.John@epa.gov>
Cc: Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>
Subject: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

John:

Please find the signed CAFO in the attached pdf file. The original CAFO document with CAPT Lear's signature will be shipped tomorrow via overnight mail to your attention at the address in paragraph 54 by Jude Klena at Naval Information Forces (NAVIFOR). Jude is copied on this e-mail and you can

reach him by telephone at 757-203-3028 if necessary.

Once the Regional Judicial Officer (RJO) of EPA Region 1 signs the CAFO, please send the CAFO to Jude Klena at his mailing address in paragraph 54. Jude will push the signed CAFO to the Command's Comptroller (Mr. William Wilken) for the processing of the monetary civil penalty by Defense Finance Accounting Service (DFAS). I will just need an electronic copy of the signed CAFO by the RJO for my files.

Please keep me apprised if the RJO requests a change in the CAFO for whatever reason.
Thanks.

r/ Dominick

Dominick Yacono
Associate Counsel
Navy Region Mid-Atlantic, Office of the General Counsel
1550 Gilbert St., Bldg. N-21, Ste. 204
Norfolk, VA 23511
Phone: 757-444-1395
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]
Sent: Monday, March 27, 2017 11:08 AM
To: Yacono, Dominick G CIV CNRMA, N00L
Cc: Klena, Jude T CIV NAVIFOR, N03OGC; Dalzell, Sally
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

Thanks for catching the error. Attached is a corrected CAFO.

Thanks again for moving this along.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

To: Studlien, Susan[Studlien.Susan@epa.gov]; Jerison, Joanna[Jerison.Joanna@epa.gov]; Wagner, Michael[wagner.michael@epa.gov]; Olivier, Tom[olivier.tom@epa.gov]; Rapp, Steve[Rapp.Steve@epa.gov]; Sansevero, Christine[Sansevero.Christine@epa.gov]; Calder, Steven[Calder.Steve@epa.gov]; Fenn, Anne[fenn.anne@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]
From: Kilborn, John
Sent: Wed 4/5/2017 1:00:42 PM
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,
Consent Agreement Final Order - Cutler Signed 4APR2017.pdf

FYI: Good news. The Navy has signed the Cutler CAFO! Shortly, I will start circulating this CAFO for Susan's signature and then submit it to the Regional Judicial Officer.

Thank you for everyone's help on this case.

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John W. Kilborn
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Thanks.

r/ Dominick

Dominick Yacono
Associate Counsel
Navy Region Mid-Atlantic, Office of the General Counsel

1550 Gilbert St., Bldg. N-21, Ste. 204
Norfolk, VA 23511
Phone: 757-444-1395
Fax: 757-444-5543

-----Original Message-----

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Sent: Monday, March 27, 2017 11:08 AM
To: Yacono, Dominick G CIV CNRMA, N00L
Cc: Klena, Jude T CIV NAVIFOR, N03OGC; Dalzell, Sally
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

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John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

Message

From: Muller, Marie [MULLER.MARIE@EPA.GOV]
Sent: 2/17/2017 8:04:55 PM
To: Shiffman, Cari [Shiffman.Cari@epa.gov]
CC: Leff, Karin [Leff.Karin@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]
Subject: RE: Quick write-up on Region 10 settlement for Joint Base Elmendorf-Richardson

Thank you Cari, so glad we could help.

Just as an FYI, and in case you are asked or it comes up, please note that there were two other respondents that were part of this settlement – the Alaska National Guard, and Aurora Military Housing III, LLC.

Thanks again.

Marie Muller
Director, Site Remediation and Enforcement Staff
Federal Facility Enforcement Office - MC 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-0217
202-501-0069 (fax)

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From: Shiffman, Cari
Sent: Friday, February 17, 2017 2:22 PM
To: Muller, Marie <MULLER.MARIE@EPA.GOV>
Cc: Leff, Karin <Leff.Karin@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>
Subject: RE: Quick write-up on Region 10 settlement for Joint Base Elmendorf-Richardson

Marie,

Thank you so much! This was extremely helpful. It made its way into Larry's weekly report out to the Acting Administrator.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: (202) 823-3277

From: Muller, Marie
Sent: Thursday, February 16, 2017 2:37 PM

To: Shiffman, Cari <Shiffman.Cari@epa.gov>

Cc: Leff, Karin <Leff.Karin@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>

Subject: Quick write-up on Region 10 settlement for Joint Base Elmendorf-Richardson

Hi Cari,

Per your request, here is the quick write-up on the JBER settlement we discussed:

Region 10 Settles with US Air Force, Alaska Air National Guard, and Aurora Military Housing III, LLC for RCRA

Violations at Joint Base Elmendorf Richardson (AK): EPA Region 10 has settled with the US Air Force, the 176th Wing of the Alaska Air National Guard, and Aurora Military Housing III, LLC (collectively the "Respondents") for RCRA violations at Joint Base Elmendorf-Richardson in Anchorage, Alaska. The settlement has been signed by the respondents and Region 10's enforcement director, and awaits finalization by the Regional Judicial Officer. The cash penalty amount is \$81,310, and the Air Force will also complete a SEP at a cost of at least \$200,000.

Additional Info:

The implementing regulations of RCRA require entities that generate solid waste to determine if the waste is hazardous, and requires that generators of hazardous waste must manage the hazardous waste in compliance with the RCRA requirements in order to protect human health and the environment. EPA alleges that the Air Force, the 176th Wing of the Alaska Air National Guard, and Aurora Military Housing III, LLC co-generated hazardous waste at Joint Base Elmendorf-Richardson and alleges that between 2011-2015, the Respondents failed to make hazardous waste determinations for two waste streams, stored hazardous waste without a permit in at least 16 different locations throughout the facility, and transferred waste without completing the required manifest to a facility that was not appropriately permitted to receive the waste at least three times. EPA also alleges that the Respondents failed to properly manage universal waste.

Some additional info on the SEP - The SEP being performed by the Air Force involves the replacement of legacy halogen and fluorescent lighting systems in five buildings with Ultra LED lighting. The new Ultra LED lighting will be free of hazardous materials that would render used bulbs hazardous waste, therefore eliminating this future hazardous or universal waste stream at each of the five buildings. The Ultra LED lighting is expected to conserve 116,864 kw/hr per year of energy, resulting in an environmental benefit from the reduction of nitrogen oxides, carbon dioxide, and volatile organic compounds emissions of 16,655 pounds per year.

Please let me know if there's anything else you need, thanks.

Marie Muller
Director, Site Remediation and Enforcement Staff
Federal Facility Enforcement Office - MC 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-0217
202-501-0069 (fax)

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Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/17/2017 7:22:25 PM
To: Muller, Marie [MULLER.MARIE@EPA.GOV]
CC: Leff, Karin [Leff.Karin@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Garvey, Melanie [Garvey.Melanie@epa.gov]
Subject: RE: Quick write-up on Region 10 settlement for Joint Base Elmendorf-Richardson

Marie,

Thank you so much! This was extremely helpful. It made its way into Larry's weekly report out to the Acting Administrator.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: (202) 823-3277

From: Muller, Marie
Sent: Thursday, February 16, 2017 2:37 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Leff, Karin <Leff.Karin@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Garvey, Melanie <Garvey.Melanie@epa.gov>
Subject: Quick write-up on Region 10 settlement for Joint Base Elmendorf-Richardson

Hi Cari,
Per your request, here is the quick write-up on the JBER settlement we discussed:

Region 10 Settles with US Air Force, Alaska Air National Guard, and Aurora Military Housing III, LLC for RCRA Violations at Joint Base Elmendorf Richardson (AK): EPA Region 10 has settled with the US Air Force, the 176th Wing of the Alaska Air National Guard, and Aurora Military Housing III, LLC (collectively the "Respondents") for RCRA violations at Joint Base Elmendorf-Richardson in Anchorage, Alaska. The settlement has been signed by the respondents and Region 10's enforcement director, and awaits finalization by the Regional Judicial Officer. The cash penalty amount is \$81,310, and the Air Force will also complete a SEP at a cost of at least \$200,000.

Additional Info:

The implementing regulations of RCRA require entities that generate solid waste to determine if the waste is hazardous, and requires that generators of hazardous waste must manage the hazardous waste in compliance with the RCRA requirements in order to protect human health and the environment. EPA alleges that the Air Force, the 176th Wing of the Alaska Air National Guard, and Aurora Military Housing III, LLC co-generated hazardous waste at Joint Base Elmendorf-Richardson and alleges that between 2011-2015, the Respondents failed to make hazardous waste determinations for two waste streams, stored hazardous waste without a permit in at least 16 different locations throughout the facility, and transferred waste without completing the required manifest to a facility that was not appropriately permitted to receive the waste at least three times. EPA also alleges that the Respondents failed to properly manage universal waste.

Some additional info on the SEP - The SEP being performed by the Air Force involves the replacement of legacy halogen and fluorescent lighting systems in five buildings with Ultra LED lighting. The new Ultra LED lighting will be free of hazardous materials that would render used bulbs hazardous waste, therefore eliminating this future hazardous or universal waste stream at each of the five buildings. The Ultra LED lighting is expected to conserve 116,864 kw/hr per year of energy, resulting in an environmental benefit from the reduction of nitrogen oxides, carbon dioxide, and volatile organic compounds emissions of 16,655 pounds per year.

Please let me know if there's anything else you need, thanks.

Marie Muller
Director, Site Remediation and Enforcement Staff
Federal Facility Enforcement Office - MC 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-0217
202-501-0069 (fax)

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To: Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Nowell, Valerie
Sent: Thur 4/6/2017 11:05:18 AM
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

ATTORNEY CLIENT COMMUNICATION – ATTORNEY WORK PRODUCT – IN ANTICIPATION OF LITIGATION – DO NOT RELEASE

Thank you so much!

Valerie Nowell
Senior Attorney for Clean Air Act Enforcement
U.S. Environmental Protection Agency, Region 4
(404) 562-9555

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-----Original Message-----

From: Dalzell, Sally
Sent: Wednesday, April 05, 2017 12:51 PM
To: Nowell, Valerie <Nowell.Valerie@epa.gov>
Cc: Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hi, Valerie:

I thought you might want to see Region I's CAFO for the Navy's RICE violations.

Sally

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
(202) 501-0069 (fax)
<http://www.fedcenter.gov>

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-----Original Message-----

From: Kilborn, John
Sent: Wednesday, April 05, 2017 9:01 AM
To: Studlien, Susan <Studlien.Susan@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven

<Calder.Steve@epa.gov>; Fenn, Anne <fenn.anne@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>;
Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

FYI: Good news. The Navy has signed the Cutler CAFO! Shortly, I will start circulating this CAFO for Susan's signature and then submit it to the Regional Judicial Officer.

Thank you for everyone's help on this case.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]
Sent: Tuesday, April 04, 2017 5:49 PM
To: Kilborn, John <Kilborn.John@epa.gov>
Cc: Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>
Subject: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

John:

Please find the signed CAFO in the attached pdf file. The original CAFO document with CAPT Lear's signature will be shipped tomorrow via overnight mail to your attention at the address in paragraph 54 by Jude Klena at Naval Information Forces (NAVIFOR). Jude is copied on this e-mail and you can reach him by telephone at 757-203-3028 if necessary.

Once the Regional Judicial Officer (RJO) of EPA Region 1 signs the CAFO, please send the CAFO to Jude Klena at his mailing address in paragraph 54. Jude will push the signed CAFO to the Command's Comptroller (Mr. William Wilken) for the processing of the monetary civil penalty by Defense Finance Accounting Service (DFAS). I will just need an electronic copy of the signed CAFO by the RJO for my files.

Please keep me apprised if the RJO requests a change in the CAFO for whatever reason.
Thanks.

r/ Dominick

Dominick Yacono
Associate Counsel
Navy Region Mid-Atlantic, Office of the General Counsel
1550 Gilbert St., Bldg. N-21, Ste. 204
Norfolk, VA 23511
Phone: 757-444-1395
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]
Sent: Monday, March 27, 2017 11:08 AM
To: Yacono, Dominick G CIV CNRMA, N00L
Cc: Klena, Jude T CIV NAVIFOR, N03OGC; Dalzell, Sally
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

Thanks for catching the error. Attached is a corrected CAFO.

Thanks again for moving this along.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

To: OECA Office Directors and Deputy Directors[OECA_Office_Directors_and_Deputy_Directors@epa.gov]
Cc: Miles, Erin[Miles.Erin@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Cozad, David[Cozad.David@epa.gov]
From: Starfield, Lawrence
Sent: Thur 2/16/2017 11:52:53 PM
Subject: FW: Weekly report

FYI – here's the note I sent to the Acting Administrator. Thanks for the input. Items like Rob's send a great message to the new team, so please think about other efforts we might highlight in the coming weeks.

Larry

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From: Starfield, Lawrence
Sent: Thursday, February 16, 2017 6:51 PM
To: Weekly Report Group <Weekly_Report_Group@epa.gov>
Cc: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: Weekly report

OECA - Notable Items from the Current Week

- Briefed Justin Schwab on the VW litigation, the Flint MI enforcement order, and time-sensitive Regional cases and criminal cases.
- The solicitation for the EJ Small Grants program closed on February 10 with 188 applicants. Awards anticipated to be made late summer.
- EPA Region 10 reached a settlement with the US Air Force for RCRA hazardous waste management, storage, and waste transfer violations at Joint Base Elmendorf-Richardson in

Anchorage, Alaska. The Air Force will pay a penalty of \$81,310 and complete a SEP (valued at \$200,000) to replace legacy lighting systems with more efficient LED lighting. The LED lighting will be free of hazardous materials, therefore eliminating a future hazardous waste stream, and it will also conserve 116,864 kw/hr per year of energy, resulting in an environmental benefit from the reduction of NOx, CO₂, and VOC emissions of 16,655 pounds per year.

OECA - Notable Items for the Weeks Ahead

- On Wednesday, February 22, EPA (OITA, OECA/OEJ, OLEM, and OW) will host a visit by the UN Special Rapporteur on the Rights of Indigenous Peoples as part of a visit to gather information on U.S. legislative and institutional actions with respect to energy development projects which affect the rights of indigenous peoples.
- OECA's NEPA Office is initiating a program to provide assistance to other Federal agencies on the NEPA process. The hope is to build a better understanding of each agency's process for environmental reviews under NEPA and to identify efficiencies in those processes. Meetings will begin with FERC in March and with APHIS (the Animal and Plant Health Inspection Service) in April.

Larry

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To: Dalzell, Sally[Dalzell.Sally@epa.gov]; Kilborn, John[Kilborn.John@epa.gov]; Studlien, Susan[Studlien.Susan@epa.gov]; Jerison, Joanna[Jerison.Joanna@epa.gov]; Wagner, Michael[wagner.michael@epa.gov]; Olivier, Tom[olivier.tom@epa.gov]; Rapp, Steve[Rapp.Steve@epa.gov]; Sansevero, Christine[Sansevero.Christine@epa.gov]; Calder, Steven[Calder.Steve@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]

From: Fenn, Anne

Sent: Wed 4/5/2017 2:14:45 PM

Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hi Sally- FYI-- You should also know that this is the largest penalty in any media for a Federal Facility in this Region- Thanks for your help, Anne

Anne H. Fenn
Federal Facility Program Manager
RCRA, EPCRA and Federal Programs Unit
Office of Environmental Stewardship
US Environmental Protection Agency
5 Post office Sq. Suite 100, MC-OES05-1
Boston, MA 02109
617-918-1805
Fenn.Anne@epa.gov

-----Original Message-----

From: Dalzell, Sally

Sent: Wednesday, April 05, 2017 10:05 AM

To: Kilborn, John <Kilborn.John@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven <Calder.Steve@epa.gov>; Fenn, Anne <fenn.anne@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>

Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hurrah!!

Thank you for the notice, John.

Congratulations. Your case is important and you have served well holding the Navy to the same standards as private parties as is possible.

From what I have learned, RICE can have high emissions generally and I am sure you and your Region I team have certainly helped improve the environment by reducing pollution.

We appreciate your working with us and your patience.

Sally

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
(202) 501-0069 (fax)
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Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

FYI: Good news. The Navy has signed the Cutler CAFO! Shortly, I will start circulating this CAFO for Susan's signature and then submit it to the Regional Judicial Officer.

Thank you for everyone's help on this case.

John

John W. Kilborn

Senior Enforcement Counsel

U.S. Environmental Protection Agency

Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]

Sent: Tuesday, April 04, 2017 5:49 PM

To: Kilborn, John <Kilborn.John@epa.gov>

Cc: Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>

Subject: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

John:

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Please keep me apprised if the RJO requests a change in the CAFO for whatever reason.

Thanks.

r/ Dominick

Dominick Yacono
Associate Counsel
Navy Region Mid-Atlantic, Office of the General Counsel
1550 Gilbert St., Bldg. N-21, Ste. 204
Norfolk, VA 23511
Phone: 757-444-1395
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]
Sent: Monday, March 27, 2017 11:08 AM
To: Yacono, Dominick G CIV CNRMA, N00L
Cc: Klena, Jude T CIV NAVIFOR, N03OGC; Dalzell, Sally
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

Thanks for catching the error. Attached is a corrected CAFO.

Thanks again for moving this along.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

To: Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Kilborn, John
Sent: Tue 4/11/2017 8:10:38 PM
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

That's good. Thanks for looking into this.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3)
Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

-----Original Message-----

From: Dalzell, Sally
Sent: Tuesday, April 11, 2017 4:05 PM
To: Kilborn, John <Kilborn.John@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Cc: Muller, Marie <MULLER.MARIE@EPA.GOV>; Leff, Karin <Leff.Karin@epa.gov>
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

No briefing necessary. Yay.

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
(202) 501-0069 (fax)
<http://www.fedcenter.gov>

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-----Original Message-----

From: Cozad, David
Sent: Tuesday, April 11, 2017 3:44 PM
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hi

Meant to cc you on this. No need to brief or elevate

-----Original Message-----

From: Cozad, David
Sent: Tuesday, April 11, 2017 3:43 PM
To: Studlien, Susan <Studlien.Susan@epa.gov>
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hi

Proceed! We gave the AO a heads up on our daily report that you were finalizing this; but only as a heads up. We did not seek approval. Pass along our thanks for some great work.

-----Original Message-----

From: Studlien, Susan
Sent: Tuesday, April 11, 2017 8:20 AM
To: Cozad, David <Cozad.David@epa.gov>
Subject: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Dave,

Attached is a CAFO in our Cutler Naval Air Station matter, signed by the Navy with penalty over \$500,000. Do we need to set a briefing for this case before we sign? John Kilborn, our staff attorney, has a number of other matters in high gear right now, so it would be terrific if we might be able to substitute a "fact sheet." Just let me know, and we'll do whatever works here.

Thanks very much.

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Boston, Massachusetts 02109
Office: 617-918-1701
Mobile: 857-225-2121

To: Cozad, David[Cozad.David@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Muller, Marie
Sent: Tue 4/11/2017 7:45:07 PM
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Great, thank you Dave.

Marie Muller
Director, Site Remediation and Enforcement Staff
Federal Facility Enforcement Office - MC 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-0217
202-501-0069 (fax)

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Susan Studien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Boston, Massachusetts 02109
Office: 617-918-1701
Mobile: 857-225-2121

To: Dalzell, Sally[Dalzell.Sally@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]
From: Cozad, David
Sent: Tue 4/11/2017 7:43:48 PM
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

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Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

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Thanks very much.

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Boston, Massachusetts 02109
Office: 617-918-1701
Mobile: 857-225-2121

To: Jimenez, Jose[JIMENEZ.JOSE@EPA.GOV]
Cc: Gardner, Allison[Gardner.Allison@epa.gov]; Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Pendleton, Gracie
Sent: Mon 7/17/2017 2:01:09 PM
Subject: Re: Washington Navy Yard Penalty Payment

Well I can't take all the credit. I think Sally and Allison's call to the higher ups in the Navy helped move this along. Thanks to everyone for your help!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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On Jul 17, 2017, at 8:05 AM, Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV> wrote:

Great News!!!!

Thanks a lot for your hard work!!!!

José

From: Pendleton, Gracie
Sent: Monday, July 17, 2017 7:47 AM
To: Gardner, Allison <Gardner.Allison@epa.gov>; Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Fwd: Washington Navy Yard Penalty Payment

Good news!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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From: "Russell, Heather" <Russell.Heather@epa.gov>
Date: July 14, 2017 at 1:32:02 PM EDT
To: "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17
Accounts Receivable Date: 03/08/2017
Amount: \$84,100.00
Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

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From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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Great. Thanks!

Hope you have fun whatever you're doing! :)

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<kimberly.fedinatz@navy.mil>
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Gracie,
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V/r,
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Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington

Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

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To: Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Jimenez, Jose[JIMENEZ.JOSE@EPA.GOV]; Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Gardner, Allison
Sent: Mon 7/17/2017 12:43:03 PM
Subject: RE: Washington Navy Yard Penalty Payment

Fantastic! Thanks Gracie.

From: Pendleton, Gracie
Sent: Monday, July 17, 2017 7:47 AM
To: Gardner, Allison <Gardner.Allison@epa.gov>; Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Fwd: Washington Navy Yard Penalty Payment

Good news!

Gracie Pendleton
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Thanks!

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From: Jimenez, Jose
Sent: Mon 7/17/2017 12:05:25 PM
Subject: RE: Washington Navy Yard Penalty Payment

Great News!!!!

Thanks a lot for your hard work!!!!

José

From: Pendleton, Gracie
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To: Gardner, Allison <Gardner.Allison@epa.gov>; Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>
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Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington
[<mailto:kimberly.fedinatz@navy.mil>]
Sent: Thursday, June 15, 2017 8:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
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To: Gardner, Allison[Gardner.Allison@epa.gov]; Jimenez, Jose[JIMENEZ.JOSE@EPA.GOV]; Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Pendleton, Gracie
Sent: Mon 7/17/2017 11:47:25 AM
Subject: Fwd: Washington Navy Yard Penalty Payment

Good news!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
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Begin forwarded message:

From: "Russell, Heather" <Russell.Heather@epa.gov>
Date: July 14, 2017 at 1:32:02 PM EDT
To: "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17

Accounts Receivable Date: 03/08/2017
Amount: \$84,100.00
Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Tuesday, July 11, 2017 12:18 PM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their

end...

-----Original Message-----

From: Pendleton, Gracie

Sent: Tuesday, July 11, 2017 11:34 AM

To: Russell, Heather <Russell.Heather@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton

Attorney-Advisor

Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie

Sent: Thursday, June 15, 2017 9:30 AM

To: Russell, Heather <Russell.Heather@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton

Attorney-Advisor

Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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sender immediately by email and delete all copies of the message.

-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington

[mailto:kimberly.fedinatz@navy.mil]

Sent: Thursday, June 15, 2017 8:28 AM

To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]

Sent: Tuesday, May 30, 2017 11:31 AM

To: Fedinatz, Kimberly G CIV NAVFAC Washington

Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
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To: Muller, Marie[MULLER.MARIE@EPA.GOV]; Dalzell, Sally[Dalzell.Sally@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]
From: Leff, Karin[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]
Sent: Wed 2/1/2017 8:22:03 PM (UTC)
Subject: Fwd: For your review and approval: DOJ CAA Waiver Request Letter & Memo

Sent from my iPhone

Begin forwarded message:

From: "Mariani, Tom (ENRD)" <Tom.Mariani@usdoj.gov>
Date: February 1, 2017 at 2:46:26 PM EST
To: "Leff, Karin" <Leff.Karin@epa.gov>
Subject: RE: For your review and approval: DOJ CAA Waiver Request Letter & Memo

Thanks, Karin: This will be logged into CMS. An attorney will be assigned and we'll route this to higher levels if their counsel or approval are needed. TM

From: Leff, Karin [mailto:Leff.Karin@epa.gov]
Sent: Wednesday, February 01, 2017 2:04 PM
To: Mariani, Tom (ENRD) <TMariani@ENRD.USDOJ.GOV>
Cc: Friedman, Henry (ENRD) <HFriedman@ENRD.USDOJ.GOV>; Jordan, Julie <Jordan.Julie@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Barnes, Cassandra <Barnes.Cassandra@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Subject: For your review and approval: DOJ CAA Waiver Request Letter & Memo

Dear Tom,

Please see the attached letter in which EPA's Federal Facilities Enforcement Office concurs with, and joins, EPA Region 9 in its request for a waiver of the twelve-month time limitation and penalty cap (also attached) on EPA's authority to initiate an administrative penalty action pursuant to Section 113(d) of the Clean Air Act against the General Services Administration. A hard copy will be mailed to your attention. If you have any questions regarding this request, please feel free to contact me at (202)564-7068.

Thanks. Karin

Karin Leff
Acting Director, Federal Facilities Enforcement Office
US EPA-OECA
202.564.7068 (w)
202.236.3669 (c)

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To: Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Doster, Kathleen
Sent: Tue 1/31/2017 10:10:04 PM
Subject: RE: Did you see this message ? Can't tell when she sent it on my phone.

Hi Sally, I got the second message down but not the first, thank you for sending!

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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From: Dalzell, Sally
Sent: Tuesday, January 31, 2017 5:08 PM
To: Doster, Kathleen <Doster.Kathleen@epa.gov>
Subject: Re: Did you see this message ? Can't tell when she sent it on my phone.

2nd message down

Sent from my iPhone

On Jan 31, 2017, at 5:07 PM, Dalzell, Sally <Dalzell.Sally@epa.gov> wrote:

Once they have signed the MIPR – the Navy should be providing a copy to DFAS. DFAS then should initiate the IPAC to EPA, or EPA can then go and ‘pull’ the money from them. We just also need to get their ALC if EPA is going to initiate it. If they can provide a DFAS contact, I would be happy to work with them to make sure the money gets to us.

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Sent from my iPhone

To: Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Pendleton, Gracie
Sent: Mon 6/12/2017 1:03:44 PM
Subject: Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hey Sally -

Let me know if there's something you need me to do.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
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From: Leff, Karin
Sent: Friday, June 9, 2017 11:49 AM
To: Folkemer, Nathaniel
Cc: Dalzell, Sally; Muller, Marie; Pendleton, Gracie; Emmerson, Caroline; Ingram, Amir
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13th.

Nate

From: Janifer, Pamela

Sent: Friday, June 09, 2017 11:02 AM

To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>

Subject: Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

Can you turn this around by Tuesday? Thanks

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

Janifer.pamela@epa.gov

<LOG65755-UMATIL_xml.pdf>

<LOG65756-LONGHORN_xml.pdf>

To: Boyd, Andrew[Boyd.Andrew@epa.gov]; Craig, Harry[Craig.Harry@epa.gov]
Cc: Dalzell, Sally[Dalzell.Sally@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]
From: Garvey, Melanie
Sent: Mon 6/12/2017 12:36:58 PM
Subject: Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi Harry and Andy-

The Office of Congressional Affairs has asked us three questions on Umatilla as it relates to the Congressional authorization to pay the stipulated penalty which are due tomorrow morning (see messages below). Can you provide input on

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

Melanie Garvey

Chemical Engineer

EPA/OECA/FFEO

202-564-2579 (office)

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From: Doster, Kathleen
Sent: Monday, June 12, 2017 8:25 AM

To: Garvey, Melanie

Subject: FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi, let me know if you'd like to talk through this.

Kathleen Doster

Attorney-Advisor

U.S. Environmental Protection Agency

Federal Facilities Enforcement Office

1200 Pennsylvania Ave., N.W., MC 2261A

Washington, D.C. 20460

(202) 564-2573

(202) 564-0644(fax)

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From: Dalzell, Sally

Sent: Friday, June 09, 2017 12:22 PM

To: Garvey, Melanie <Garvey.Melanie@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>

Cc: Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>

Subject: Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

Would you write a summary of Umatilla? Due Tuesday.

Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

From: "Leff, Karin" <Leff.Karin@epa.gov>
Date: June 9, 2017 at 11:49:58 AM EDT
To: "Folkemer, Nathaniel" <Folkemer.Nathaniel@epa.gov>
Cc: "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>, "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Ingram, Amir" <Ingram.Amir@epa.gov>
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,

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Nate

From: Janifer, Pamela
Sent: Friday, June 09, 2017 11:02 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon

This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty

assessed by the Environmental Protection Agency against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

Can you turn this around by Tuesday? Thanks

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

Janifer.pamela@epa.gov

<LOG65755-UMATIL_xml.pdf>

<LOG65756-LONGHORN_xml.pdf>

To: Dalzell, Sally[Dalzell.Sally@epa.gov]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]
Cc: Gardner, Allison[Gardner.Allison@epa.gov]
From: Jimenez, Jose
Sent: Mon 7/17/2017 4:56:15 PM
Subject: RE: Washington Navy Yard Penalty Payment

Asi mismo!!!

From: Dalzell, Sally
Sent: Monday, July 17, 2017 12:41 PM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>; Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>
Cc: Gardner, Allison <Gardner.Allison@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

I hope it helped, but it might not have. Your efforts may have helped move it through.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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From: Pendleton, Gracie
Sent: Monday, July 17, 2017 10:01 AM
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>
Cc: Gardner, Allison <Gardner.Allison@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Re: Washington Navy Yard Penalty Payment

Well I can't take all the credit. I think Sally and Allison's call to the higher ups in the Navy helped move this along. Thanks to everyone for your help!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
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On Jul 17, 2017, at 8:05 AM, Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV> wrote:

Great News!!!!

Thanks a lot for your hard work!!!!

José

From: Pendleton, Gracie
Sent: Monday, July 17, 2017 7:47 AM
To: Gardner, Allison <Gardner.Allison@epa.gov>; Jimenez, Jose
<JIMENEZ.JOSE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Fwd: Washington Navy Yard Penalty Payment

Good news!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
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sender immediately by email and delete all copies of the message.

Begin forwarded message:

From: "Russell, Heather" <Russell.Heather@epa.gov>
Date: July 14, 2017 at 1:32:02 PM EDT
To: "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17
Accounts Receivable Date: 03/08/2017
Amount: \$84,100.00
Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
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To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 11:34 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:30 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM

To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington
[<mailto:kimberly.fedinatz@navy.mil>]
Sent: Thursday, June 15, 2017 8:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
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From: Fedinatz, Kimberly G CIV NAVFAC Washington
<kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.

V/r,

Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]

Sent: Wednesday, May 24, 2017 3:55 PM

To: Fedinatz, Kimberly G CIV NAVFAC Washington

Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
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To: Dalzell, Sally[Dalzell.Sally@epa.gov]
From: Pendleton, Gracie
Sent: Mon 7/17/2017 4:41:33 PM
Subject: Re: Washington Navy Yard Penalty Payment

Thanks Sally.

Gracie Pendleton
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Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

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From: Pendleton, Gracie

Sent: Monday, July 17, 2017 10:01 AM

To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>

Cc: Gardner, Allison <Gardner.Allison@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>

Subject: Re: Washington Navy Yard Penalty Payment

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Gracie Pendleton

Attorney-Advisor

US Environmental Protection Agency

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Subject: Fwd: Washington Navy Yard Penalty Payment

Good news!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
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[Room 2213C](#) ARS: MC-2261A

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Date: July 14, 2017 at 1:32:02 PM EDT

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Subject: RE: Washington Navy Yard Penalty Payment

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SFO: CFC

Original Document Date: 03/08/17

Accounts Receivable Date: 03/08/2017

Amount: \$84,100.00

Collected: \$84,100.00

Due From: U.S. Department of the Navy

Washington Navy Yard

1314 Harwood St. SE,

Washington Navy Yard, DC 20374

Due Date: 04/07/17

Title: RCRA/CAA-03-2017-0005

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From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
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Cc: Steffen, Craig <steffen.craig@epa.gov>
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Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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Subject: RE: Washington Navy Yard Penalty Payment

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let me know please?

Thanks!

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

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-----Original Message-----

From: Russell, Heather
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Subject: RE: Washington Navy Yard Penalty Payment

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Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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From: Fedinatz, Kimberly G CIV NAVFAC Washington
[\[mailto:kimberly.fedinatz@navy.mil\]](mailto:kimberly.fedinatz@navy.mil)
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To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

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~Kimi

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Gracie Pendleton
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<kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
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Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

-----Original Message-----
From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

NOTICE: ENFORCEMENT CONFIDENTIAL AND/OR ATTORNEY CLIENT
PRIVILEGED: DO NOT RELEASE UNDER FOIA: This message is being sent
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authorized to read, print, retain, copy, or disseminate this message or any part of
it. If you have received this message in error, please notify the sender
immediately by email and delete all copies of the message.

To: Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]
Cc: Dalzell, Sally[Dalzell.Sally@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]
From: Leff, Karin
Sent: Fri 6/9/2017 3:49:58 PM
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13th.

Nate

From: Janifer, Pamela
Sent: Friday, June 09, 2017 11:02 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: Superfund Penalties for HASC

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Can you turn this around by Tuesday? Thanks

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

Janifer.pamela@epa.gov

<LOG65755-UMATIL_xml.pdf>

<LOG65756-LONGHORN_xml.pdf>

To: Dalzell, Sally[Dalzell.Sally@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]
Cc: Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]
From: Folkemer, Nathaniel
Sent: Fri 6/9/2017 3:15:21 PM
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[LOG65755-UMATIL_xml.pdf](#)
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U.S. Environmental Protection Agency

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1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

Janifer.pamela@epa.gov

To: Pendleton, Gracie[Pendleton.Gracie@epa.gov]
From: Dalzell, Sally
Sent: Mon 6/12/2017 1:04:53 PM
Subject: RE: Response due noon Tue. 6/13: Superfund Penalties for HASC

Thanks, Grace.

No, not this time, but I appreciate your offering.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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From: Pendleton, Gracie
Sent: Monday, June 12, 2017 9:04 AM
To: Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Fw: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hey Sally -

Let me know if there's something you need me to do.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
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From: Leff, Karin
Sent: Friday, June 9, 2017 11:49 AM
To: Folkemer, Nathaniel

Cc: Dalzell, Sally; Muller, Marie; Pendleton, Gracie; Emmerson, Caroline; Ingram, Amir
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

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To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>

Subject: Superfund Penalties for HASC

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Can you turn this around by Tuesday? Thanks

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

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Washington, D.C. 20460

202.564.6969

Janifer.pamela@epa.gov

<LOG65755-UMATIL_xml.pdf>

<LOG65756-LONGHORN_xml.pdf>

To: Mayer, Richard[mayer.richard@epa.gov]
From: Dalzell, Sally
Sent: Fri 6/9/2017 4:30:05 PM
Subject: Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Sent from my iPhone

Begin forwarded message:

From: "Dalzell, Sally" <Dalzell.Sally@epa.gov>
Date: June 9, 2017 at 12:28:47 PM EDT
To: "Leff, Karin" <Leff.Karin@epa.gov>
Cc: "Freyre, Dominique" <Freyre.Dominique@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Sanchez, Carlos" <sanchez.carlos@epa.gov>, "mayer.Rich@epa.gov" <mayer.Rich@epa.gov>, "Malone, George" <Malone.George@epa.gov>
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

I will do Longhorn general summary.

It too is a one time payment.

I know the Army finished the RODs and Nikki and Region 6 made sure the Admin's decision was reflected in them.

I am going to cc Region 6 and see how they feel about the Army's implementation of the decision.

Region 6 colleagues:

Pls see below.

We (FFEO) could write the summary but I would like your opinion on the 2nd question in Pam's note.

Thank you.

This is due Tuesday.

Sally

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<image002.jpg>

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To: Leff, Karin[Leff.Karin@epa.gov]
Cc: Freyre, Dominique[Freyre.Dominique@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Sanchez, Carlos[sanchez.carlos@epa.gov]; mayer.Rich@epa.gov[mayer.Rich@epa.gov]; Malone, George[Malone.George@epa.gov]
From: Dalzell, Sally
Sent: Fri 6/9/2017 4:28:48 PM
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

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Cc: Leff, Karin[Leff.Karin@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]
To: Garvey, Melanie[Garvey.Melanie@epa.gov]; Doster, Kathleen[Doster.Kathleen@epa.gov]
From: Dalzell, Sally
Sent: Fri 6/9/2017 4:22:21 PM
Subject: Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

Would you write a summary of Umatilla? Due Tuesday.

Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

From: "Leff, Karin" <Leff.Karin@epa.gov>
Date: June 9, 2017 at 11:49:58 AM EDT
To: "Folkemer, Nathaniel" <Folkemer.Nathaniel@epa.gov>
Cc: "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>, "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Ingram, Amir" <Ingram.Amir@epa.gov>
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<image002.jpg>

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Cc: Folkemer, Nathaniel[Folkemer.Nathaniel@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Emmerson, Caroline[Emmerson.Caroline@epa.gov]; Ingram, Amir[Ingram.Amir@epa.gov]
From: Dalzell, Sally
Sent: Fri 6/9/2017 4:20:04 PM
Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

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<LOG65755-UMATIL_xml.pdf>

<LOG65756-LONGHORN_xml.pdf>

To: Fenn, Anne[fenn.anne@epa.gov]; Kilborn, John[Kilborn.John@epa.gov]; Studlien, Susan[Studlien.Susan@epa.gov]; Jerison, Joanna[Jerison.Joanna@epa.gov]; Wagner, Michael[wagner.michael@epa.gov]; Olivier, Tom[olivier.tom@epa.gov]; Rapp, Steve[Rapp.Steve@epa.gov]; Sansevero, Christine[Sansevero.Christine@epa.gov]; Calder, Steven[Calder.Steve@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]
From: Dalzell, Sally
Sent: Wed 4/5/2017 4:51:36 PM
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Anne:

Excellent point and I am so glad you made it.

We thought that was the case and it's good to have it confirmed.

Sally

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
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-----Original Message-----

From: Fenn, Anne
Sent: Wednesday, April 05, 2017 10:15 AM
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Kilborn, John <Kilborn.John@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven <Calder.Steve@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hi Sally- FYI-- You should also know that this is the largest penalty in any media for a Federal Facility in this Region- Thanks for your help, Anne

Anne H. Fenn
Federal Facility Program Manager
RCRA, EPCRA and Federal Programs Unit
Office of Environmental Stewardship
US Environmental Protection Agency
5 Post office Sq. Suite 100, MC-OES05-1 Boston, MA 02109
617-918-1805
Fenn.Anne@epa.gov

-----Original Message-----

From: Dalzell, Sally

Sent: Wednesday, April 05, 2017 10:05 AM

To: Kilborn, John <Kilborn.John@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven <Calder.Steve@epa.gov>; Fenn, Anne <fenn.anne@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>

Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hurrah!!

Thank you for the notice, John.

Congratulations. Your case is important and you have served well holding the Navy to the same standards as private parties as is possible.

From what I have learned, RICE can have high emissions generally and I am sure you and your Region I team have certainly helped improve the environment by reducing pollution.

We appreciate your working with us and your patience.

Sally

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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-----Original Message-----

From: Kilborn, John

Sent: Wednesday, April 05, 2017 9:01 AM

To: Studlien, Susan <Studlien.Susan@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven <Calder.Steve@epa.gov>; Fenn, Anne <fenn.anne@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>

Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

FYI: Good news. The Navy has signed the Cutler CAFO! Shortly, I will start circulating this CAFO for Susan's signature and then submit it to the Regional Judicial Officer.

Thank you for everyone's help on this case.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]
Sent: Tuesday, April 04, 2017 5:49 PM
To: Kilborn, John <Kilborn.John@epa.gov>
Cc: Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>
Subject: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

John:

Please find the signed CAFO in the attached pdf file. The original CAFO document with CAPT Lear's signature will be shipped tomorrow via overnight mail to your attention at the address in paragraph 54 by Jude Klena at Naval Information Forces (NAVIFOR). Jude is copied on this e-mail and you can reach him by telephone at 757-203-3028 if necessary.

Once the Regional Judicial Officer (RJO) of EPA Region 1 signs the CAFO, please send the CAFO to Jude Klena at his mailing address in paragraph 54. Jude will push the signed CAFO to the Command's Comptroller (Mr. William Wilken) for the processing of the monetary civil penalty by Defense Finance Accounting Service (DFAS). I will just need an electronic copy of the signed CAFO by the RJO for my files.

Please keep me apprised if the RJO requests a change in the CAFO for whatever reason.
Thanks.

r/ Dominick

Dominick Yacono
Associate Counsel
Navy Region Mid-Atlantic, Office of the General Counsel
1550 Gilbert St., Bldg. N-21, Ste. 204
Norfolk, VA 23511
Phone: 757-444-1395
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]
Sent: Monday, March 27, 2017 11:08 AM
To: Yacono, Dominick G CIV CNRMA, N00L
Cc: Klena, Jude T CIV NAVIFOR, N03OGC; Dalzell, Sally
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

Thanks for catching the error. Attached is a corrected CAFO.

Thanks again for moving this along.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

To: Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Jimenez, Jose[JIMENEZ.JOSE@EPA.GOV]
Cc: Gardner, Allison[Gardner.Allison@epa.gov]
From: Dalzell, Sally[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]
Sent: Mon 7/17/2017 4:41:06 PM (UTC)
Subject: RE: Washington Navy Yard Penalty Payment

I hope it helped, but it might not have. Your efforts may have helped move it through.

Sally

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
(202) 501-0069 (fax)
<http://www.fedcenter.gov>

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From: Pendleton, Gracie
Sent: Monday, July 17, 2017 10:01 AM
To: Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>
Cc: Gardner, Allison <Gardner.Allison@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Re: Washington Navy Yard Penalty Payment

Well I can't take all the credit. I think Sally and Allison's call to the higher ups in the Navy helped move this along. Thanks to everyone for your help!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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ED_001395_00003334-00001

error, please notify the sender immediately by email and delete all copies of the message.
On Jul 17, 2017, at 8:05 AM, Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV> wrote:

Great News!!!!

Thanks a lot for your hard work!!!!

José

From: Pendleton, Gracie
Sent: Monday, July 17, 2017 7:47 AM
To: Gardner, Allison <Gardner.Allison@epa.gov>; Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Fwd: Washington Navy Yard Penalty Payment

Good news!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
[1200 Pennsylvania Avenue, N.W.](#)
[Room 2213C](#) ARS: MC-2261A
[Washington, D.C. 20460](#)
Tel: [202-564-2588](tel:202-564-2588)
Cell: [202-570-9276](tel:202-570-9276)
Fax: [202-501-0069](tel:202-501-0069)

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Begin forwarded message:

From: "Russell, Heather" <Russell.Heather@epa.gov>
Date: July 14, 2017 at 1:32:02 PM EDT
To: "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17
Accounts Receivable Date: 03/08/2017
Amount: \$84,100.00

ED_001395_00003334-00002

Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Tuesday, July 11, 2017 12:18 PM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 11:34 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:30 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [<mailto:kimberly.fedinatz@navy.mil>]
Sent: Thursday, June 15, 2017 8:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from

NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
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To: Nowell, Valerie[Nowell.Valerie@epa.gov]
Cc: Dixon, Chelsea[Dixon.Chelsea@epa.gov]
From: Dalzell, Sally
Sent: Wed 4/5/2017 4:51:05 PM
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,
Consent Agreement Final Order - Cutler Signed 4APR2017.pdf

Hi, Valerie:

I thought you might want to see Region I's CAFO for the Navy's RICE violations.

Sally

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
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-----Original Message-----

From: Kilborn, John
Sent: Wednesday, April 05, 2017 9:01 AM
To: Studlien, Susan <Studlien.Susan@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Calder, Steven <Calder.Steve@epa.gov>; Fenn, Anne <fenn.anne@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

FYI: Good news. The Navy has signed the Cutler CAFO! Shortly, I will start circulating this CAFO for Susan's signature and then submit it to the Regional Judicial Officer.

Thank you for everyone's help on this case.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

-----Original Message-----

From: Yacono, Dominick G CIV CNRMA, N00L [mailto:dominick.yacono@navy.mil]
Sent: Tuesday, April 04, 2017 5:49 PM
To: Kilborn, John <Kilborn.John@epa.gov>
Cc: Klena, Jude T CIV NAVIFOR, N03OGC <jude.klena@navy.mil>
Subject: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

John:

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Once the Regional Judicial Officer (RJO) of EPA Region 1 signs the CAFO, please send the CAFO to Jude Klena at his mailing address in paragraph 54. Jude will push the signed CAFO to the Command's Comptroller (Mr. William Wilken) for the processing of the monetary civil penalty by Defense Finance Accounting Service (DFAS). I will just need an electronic copy of the signed CAFO by the RJO for my files.

Please keep me apprised if the RJO requests a change in the CAFO for whatever reason.
Thanks.

r/ Dominick

Dominick Yacono
Associate Counsel
Navy Region Mid-Atlantic, Office of the General Counsel
1550 Gilbert St., Bldg. N-21, Ste. 204
Norfolk, VA 23511
Phone: 757-444-1395
Fax: 757-444-5543

-----Original Message-----

From: Kilborn, John [mailto:Kilborn.John@epa.gov]
Sent: Monday, March 27, 2017 11:08 AM
To: Yacono, Dominick G CIV CNRMA, N00L
Cc: Klena, Jude T CIV NAVIFOR, N03OGC; Dalzell, Sally
Subject: [Non-DoD Source] RE: EPA Proposal: Cutler - Interest Penalty Provision

Dominick:

Thanks for catching the error. Attached is a corrected CAFO.

Thanks again for moving this along.

John

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency
Five Post Office Square, Suite 100 (Mail Code: OES04-3) Boston, MA 02109-3912

Tel: 617-918-1893

E-Mail: kilborn.john@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

| | | |
|---------------------------------------|---|-----------------------------|
| IN THE MATTER OF |) | |
| |) | |
| United States Navy, Respondent |) | |
| Naval Computer and Telecommunications |) | Docket No. CAA-01-2016-0036 |
| Area Master Station Atlantic, |) | |
| Detachment Cutler |) | |
| Cutler, Maine, Facility |) | |
| |) | |
| Proceeding under Section |) | |
| 113 of the Clean Air Act |) | |

CONSENT AGREEMENT AND FINAL ORDER

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought pursuant to Section 113(d) of the Clean Air Act (the “Act” or “CAA”), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 1 (“EPA”). On the EPA’s behalf, Susan Studlien, Director, Office of Environmental Stewardship, is delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the Act.

3. Respondent is the United States Navy, a department of the United States. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. This proceeding involves Complainant’s allegations that Respondent has violated EPA’s *National Emission Standards for Hazardous Air Pollutants for Stationary*

Reciprocating Internal Combustion Engines, codified at 40 CFR Part 63, Subpart ZZZZ (“Subpart ZZZZ”).

5. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement (“Consent Agreement” or “Agreement”) and the attached Final Order (“Final Order” or “Order”) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order (“CAFO”).

B. JURISDICTION

6. This Consent Agreement is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22.

7. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding and penalties that exceed certain statutory limitations, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d)(1).

8. The Regional Judicial Officer is authorized to ratify this Consent Agreement, which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(a) and 22.18(b).

9. The issuance of this Consent Agreement and attached Final Order concludes this proceeding. 40 C.F.R. § 22.18(b)(3).

C. ALLEGED VIOLATIONS OF LAW

Statutory and Regulatory Background and Authorities

10. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to establish emission standards for categories of sources of hazardous air pollutants (“HAPs”). These standards are known as the National Emission Standards for Hazardous Air Pollutants (“NESHAPs”).

11. EPA promulgated the stationary reciprocating internal combustion engine (“RICE”) NESHAP, Subpart ZZZZ, pursuant to Section 112 of the Act, 42 U.S.C. § 7412. Regulations promulgated under CAA Section 112 are enforceable by EPA in accordance with Section 113 of the Act, 42 U.S.C. § 7413.

12. Respondent’s alleged violations described herein render Respondent liable for penalties under Section 113(d) of the Act, which authorizes EPA to issue administrative penalty orders. 42 U.S.C. § 7413(d).

General Findings Regarding the Cutler Facility

13. Respondent maintains a computer and telecommunications facility located at 175 Ridge Road, Cutler, Maine (the “Facility” or the “Cutler Facility”). The Facility has two 13-antenna arrays that provide redundant capabilities to communicate to the naval fleet.

14. Respondent operates five diesel powered, compression ignition, stationary, reciprocating internal combustion engines at the Facility to supply electrical power for transmitting radio waves and other power needs. Each of the four engines identified as D#2, D#3, D#4, and D#5 has the capability to generate 3000 kW of electricity, and each engine has a rated output capacity of 4066 horsepower (“HP”). The Facility also operates one engine identified as D#6 that has the capability to generate 750 kW of electricity and has a

rated output capacity of 906 HP. (An additional diesel engine with the capability to generate 2750 kW of electricity (D#1) is located at the Facility but has been decommissioned.)

15. Each of the five diesel engines at the Cutler Facility (D#2, D#3, D#4, D#5, and D#6) is a non-emergency, diesel powered, non-black start, compression ignition ("CI"), stationary RICE greater than 500 HP. Each engine is subject to Subpart ZZZZ.

16. The Cutler Facility is an area source of hazardous air pollutants.

17. The compliance deadline for Subpart ZZZZ was May 3, 2013.

18. On June 6, 2013, Respondent requested an extension of the compliance deadline of the emissions and operating limitations applicable to the Cutler Facility until October 2015.

19. Subpart ZZZZ requires that compliance extension requests be submitted 120 days prior to the compliance date. See 40 CFR §§ 63.6665 and 63.6(i)(4)(i)(B).

20. On July 30, 2013 and October 27, 2014, EPA conducted inspections of the Facility.

21. On July 16, 2015, EPA issued a Notice of Violation ("NOV") to Respondent regarding its operation of diesel powered engines to generate electricity at the Cutler Facility.

22. The NOV contains EPA's findings that Respondent has violated certain provisions of Subpart ZZZZ at the Cutler Facility.

Specific Findings Regarding the Cutler Facility

Engine Emission Control Violations

23. Owners or operators of existing stationary CI RICE located at an area source of HAP emissions must comply with the requirements in Table 2d of Subpart ZZZZ. See 40 CFR §63.6603.

24. According to Requirement 3 of Table 2d of Subpart ZZZZ, non-emergency, non-black start, CI, stationary RICE greater than 500 HP, are required to:

- (a) Limit the concentration of carbon monoxide (“CO”) in the stationary RICE exhaust to 23 parts per million, volumetric dry (“ppmvd”) at 15% oxygen; or
- (b) Reduce CO emissions by 70 percent or more.

25. The Cutler Facility has failed to either limit the concentration of CO in the D#2, D#3, D#4, D#5, and D#6 exhaust to 23 ppmvd at 15% oxygen, or to reduce CO emissions from these engines by 70 percent or more.

26. Accordingly, the Cutler Facility has violated 40 CFR §63.6603.

Initial Compliance Demonstration and Initial Performance Testing Violations

27. Owners or operators of existing stationary CI RICE greater than 500 HP must demonstrate initial compliance with the emission limitations, operating limitations, and other requirements contained in Tables 5 and 2b of Subpart ZZZZ. See 40 CFR §§63.6630(a) and (b).

28. The Cutler Facility has failed to make a timely initial compliance demonstration.

29. Accordingly, the Cutler Facility has violated 40 CFR §63.6630.

30. Furthermore, owners or operators must conduct initial performance tests within 180 days after the compliance date of May 3, 2013. See 40 CFR §63.6612(a).

31. The Cutler Facility has failed to conduct timely initial performance tests.

32. Accordingly, the Cutler Facility has violated 40 CFR §63.6612.

Demonstration of Continuous Compliance Violations

33. Owners or operators of existing stationary CI RICE greater than 500 HP must demonstrate continuous compliance with each emission limitation, operating limitation, and

other requirements in the applicable tables of Subpart ZZZZ. See 40 CFR §63.6640(a). For example, if the Cutler Facility uses an oxidation catalyst to limit or reduce CO concentrations, Table 2b requires owners or operators to:

- (a) maintain the catalyst so that the pressure drop across the catalyst does not change by more than two inches of water column from the pressure drop across the catalyst that was measured during the initial performance test; and
- (b) maintain the temperature of the stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450°F and less than or equal to 1,350°F.

34. The Cutler Facility has failed to demonstrate continuous compliance.

35. Accordingly, the Cutler Facility has violated 40 CFR §63.6640(a).

Notification and Reporting Violations

36. According 40 CFR §63.6645 of Subpart ZZZZ, owners or operators are required to submit all of the notifications required by the following General Provisions of the NESHAP regulations:

- (a) 40 CFR §63.7(b) - Notification of Performance Testing
- (b) 40 CFR §63.7(c) - Quality Assurance Program
- (c) 40 CFR §63.8(e) - Performance Evaluation of Continuous Monitoring Systems
- (d) 40 CFR §63.9(b) - Initial Notifications
- (e) 40 CFR §63.9(e) - Notification of Performance Test
- (f) 40 CFR §63.9(g) - Additional Notification Requirements for Sources with
Continuous Monitoring Requirements
- (g) 40 CFR §63.9(h) - Notification of Compliance Status

37. The Cutler Facility has failed to timely submit the required notifications.

38. Accordingly, the Cutler Facility has violated 40 CFR §63.6645.

39. Also, owners or operators are required to submit annual and semiannual compliance reports. See 40 CFR §63.6650.

40. The Cutler Facility has failed to timely submit the required annual and semiannual compliance reports.

41. Accordingly, the Cutler Facility has violated 40 CFR §63.6650.

D. TERMS OF CONSENT AGREEMENT

42. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- (a) admits that the EPA has jurisdiction over the subject matter alleged in this Agreement and waives any defenses as to jurisdiction and venue;
- (b) neither admits nor denies the specific factual allegations of Section C of this Agreement;
- (c) consents to the assessment of a civil penalty as stated below;
- (d) consents to the issuance of any specified compliance or corrective action orders;
- (e) consents to the conditions specified in this Agreement;
- (f) waives any right to request a judicial or administrative hearing or consultation or otherwise contest the alleged violations of law set forth in Section C of this Agreement;
- (g) agrees to settlement of this matter through this Consent Agreement and Final Order, without the filing of an administrative complaint, as authorized under the Consolidated Rules at 40 C.F.R. § 22.13(b); and

(h) waives its rights to appeal the Order accompanying this Agreement.

43. For the purpose of this proceeding, Respondent:

- (a) agrees that this Agreement states a claim upon which relief may be granted against Respondent;
- (b) acknowledges that this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (c) waives any and all remedies, claims for relief and otherwise available rights to administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order;
- (d) expressly waives any right to contest the allegations contained in this CAFO and to appeal the Final Order, including any right to confer with the EPA Administrator under 40 C.F.R. § 22.31(e) with regard to this case;
- (e) waives the notice requirement and the opportunity to request a hearing on the order pursuant to Section 113(d)(2)(A) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(A); and
- (f) consents to the terms of this CAFO.

44. Penalty Payment

- (a) EPA has compromised the maximum civil penalty of \$44,539 per day per violation authorized in this matter, applying the factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), and the 1991 Clean Air Act Stationary Source Civil Penalty Policy, including Respondent's significant

cooperation in agreeing to perform the non-penalty obligations contained in Appendix 1 to this Agreement.

(b) In light of the particular facts and circumstances of this matter, with specific reference to the statutory factors of Section 113(e)(1) of the Act, 42 U.S.C. § 7413(e), and considering Respondent's significant cooperation in agreeing to perform the non-penalty obligations contained in Appendix 1, EPA has determined that it is fair and proper to assess a civil penalty for the violations alleged in Section C of this Agreement in the amount of eight hundred and eleven thousand dollars (\$811,000).

(c) Respondent agrees to pay the civil penalty of eight hundred and eleven thousand dollars (\$811,000) ("EPA Penalty") within ninety (90) calendar days of the Effective Date of this Agreement.

(d) Respondent shall make its penalty payment by a certified check, cashier's check, or electronic transfer, and payable to "United States Treasury," in accordance with the following instructions:

All payments made by check and sent by U.S. Postal Service regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

(e) Respondent's Treasury Account Symbol is 17 1804 Operations and Maintenance Navy. Inquiries concerning this payment can be made to Comptroller for the Naval Computer and Telecommunications Area Master

Station Atlantic, Mr. William Wilken. Mr. Wilken can be contacted by e-mail at william.wilken@navy.mil or by telephone at 757-443-9430.

(f) All payments made by check and sent by UPS, FedEx, or overnight mail delivery service shall be addressed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

(g) All payments made by electronic funds transfer ("EFT") shall be directed to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT Address = FRNYUS33
33 Liberty Street
New York, NY 10045

(Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency")

(h) All electronic payments made through the Automated Clearinghouse ("ACH"), also known as Remittance Express ("REX"), shall be directed to:

US Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737

(i) Payment may be made using the Intra Governmental Payment and Collection application (IPAC), Agency Location Code 68-01-0727. Please include the Docket Number of this action (Docket No. CAA-01-2016-0036) in the description field of the IPAC. The Customer Service contact is Molly Williams at 513-487-2076.

(j) Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>.

(k) All payments by Respondent shall include Respondent's full name and address and the EPA Docket Number of this CAFO.

(l) At the time of payment, Respondent shall send a notice of such payment, including a copy of any check, EFT authorization, or ACH authorization, as appropriate, to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORA18-
1) Boston, MA 02109-3912

and

John W. Kilborn
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (OES04-3)
Boston, MA 02109-3912

45. If Respondent fails to make full and complete payment of the \$811,000 penalty by the due date set forth in this CAFO, the entire unpaid balance of the penalty shall become immediately due and owing. EPA reserves its right to compel payment, and in any action to

compel payment of the unpaid balance of the penalty, the validity, amount, and appropriateness of the penalty shall not be subject to review. EPA also reserves its right to seek interest on any unpaid portion of the late payment. No interest shall be payable on any portion of the assessed penalty that is paid within 90 days of the effective date of the Final Order. The Navy disputes EPA's authority to impose interest charges on a federal agency and reserves its right to dispute any imposition of interest by EPA.

46. Conditions. As a condition of settlement, Respondent agrees to comply with the non-penalty provisions of Appendix 1 (Terms of Compliance) as of the Effective Date of this Agreement. Appendix 1 is attached hereto and incorporated herein by reference.

Respondent shall comply with the requirements specified in Appendix 1 beginning with the Effective Date of this CAFO, as demonstrated through adequate recordkeeping.

- (a) Respondent shall be liable for stipulated penalties in the amount of \$1,000 for each day for the first through fifth day for each failure to perform any action required under the provisions of Appendix 1 and \$2,000 for each day thereafter for each failure to perform any action required under the provision of Appendix 1.
- (b) Respondent shall pay stipulated penalties plus any interest due thereupon within sixty (60) days of receipt of a written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of Paragraph 44 herein. EPA may, in its sole discretion, elect not to seek stipulated penalties or to compromise any portion of stipulated penalties that accrue pursuant to this CAFO.

47. Respondent agrees that the time period from the Effective Date of this Agreement until all of the conditions specified in Paragraphs 44 through 46 are completed (the “Tolling Period”) shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims (the “Tolled Claims”) set forth in Section C of this Agreement. Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

48. By signing this Agreement, Respondent acknowledges that this Agreement and Order will be available to the public and agrees that this Agreement does not contain any information that is confidential or sensitive or contains national security or personally identifiable information.

49. By signing this Agreement, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this Agreement and has the legal capacity to bind the party he or she represents to this Agreement.

50. By signing this Agreement, both parties agree that each party’s obligations under this Consent Agreement and attached Final Order constitute sufficient consideration for the other party’s obligations.

51. By signing this Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility

of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

52. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with the CAA, the applicable regulations thereunder, or with this CAFO. Nothing in this CAFO shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

53. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

54. All notices and submissions required by this Order shall be sent to:

If by Respondent:

Steven Calder
Office of Environmental Stewardship
U.S. Environmental Protection Agency—Region I
Suite 100 Mail Code OES4-2
5 Post Office Square
Boston, MA 02109-3912
or
Calder.Steve@epa.gov

With a copy to:

John Kilborn, Senior Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency—Region I
Suite 100 Mail Code OES4-3
5 Post Office Square
Boston, MA 02109-3912
or
Kilborn.john@epa.gov

If by EPA:

Jude T. Klena
Naval Information Forces
Office of the General Counsel

115 Lake View Parkway
Suffolk, VA 23435

or
jude.klena@navy.mil

With a copy to:

Dominick G. Yacono
Navy Region Mid-Atlantic
Office of the General Counsel
1510 Gilbert Street
Norfolk, VA 23511-2737

or
dominick.yacono@navy.mil

E. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

55. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this Consent Agreement and Final Order resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged in Section C of this Agreement.

56. This Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

57. The terms, conditions, and compliance requirements of this Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

58. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws, regulations, rules, or codes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

59. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

60. The EPA reserves the right to revoke this Agreement and settlement penalty if and to the extent that the EPA finds, after signing this Agreement, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

F. EFFECTIVE DATE

61. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

Consent Agreement and Final Order, United States Navy, Cutler Maine Detachment
Docket No. CAA-01-2016-0036

The foregoing Consent Agreement *In the Matter of United States Navy, Cutler Maine Detachment*, Docket No. CAA-01-2016-0036, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



Signature

4 APR 2017

Date

Printed Name: CAPT Matthew R. Lear
U.S. Navy, Naval Computer and Telecommunications Area Master Station
Atlantic
Title: Commanding Officer
Address: 9625 Moffet Avenue, Norfolk VA 23511-2784

The foregoing Consent Agreement *In the Matter of United States Navy, Cutler Maine Detachment*, Docket No. CAA-01-2016-0036, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

DATE

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency – Region 1
5 Post Office Square
Suite 100, Mail Code OES4-5
Boston, MA 02109-3912

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

| | | |
|---------------------------------------|---|-----------------------------|
| _____ |) | |
| IN THE MATTER OF |) | |
| |) | |
| United States Navy |) | |
| Naval Computer and Telecommunications |) | Docket No. CAA-01-2016-0036 |
| Area Master Station Atlantic, |) | |
| Detachment Cutler |) | |
| Cutler, Maine |) | |
| |) | |
| Proceeding under Section |) | |
| 113 of the Clean Air Act |) | |
| _____ |) | |

FINAL ORDER

In accordance with 40 C.F.R. § 22.18(b) of the United States Environmental Protection Agency's Consolidated Rules of Practice, the parties to this matter have forwarded the foregoing executed Consent Agreement for final approval. Section 113(d)(1) of the Clean Air Act, 42 U.S.C. § 7413(d)(1), authorizes EPA to issue an administrative penalty to enforce the requirements of this Act. In addition, Section 113(d)(2)(B) of the Clean Air Act, 42 U.S.C. § 7413(d)(2)(B), authorizes EPA to compromise the maximum civil penalty of \$44,539 per day per violation by applying the penalty factors set forth in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), to the facts and circumstances of this case, including Respondent's significant cooperation to date and agreement to perform non-penalty conditions. Pursuant to these provisions, EPA has modified the maximum civil penalty and imposed the conditions described in Section D and Appendix 1 of the Consent Agreement. Respondent has consented to the terms of this Consent Agreement.

Pursuant to 40 C.F.R. § 22.18(b) of EPA's Consolidated Rules of Practice and Section 113(d) of the Clean Air Act, 42 § 7413(d), the Consent Agreement is incorporated by reference into this Final Order and is hereby ratified. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties for the violations of the Clean Air Act alleged in Part C of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the Clean Air Act and regulations promulgated or permits issued thereunder. The Respondent, United States Navy, is ordered to pay the civil penalty amount in the amount of eight hundred and eleven thousand dollars (\$811,000) in the manner indicated. The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

SO ORDERED THIS ____ DAY OF _____ 2017.

Sharon Wells
Regional Judicial Officer

APPENDIX 1

Terms of Compliance
Consent Agreement and Final Order ("CAFO")
United States Navy, Cutler Maine Detachment

1. Respondent shall comply with all applicable provisions of the *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines* ("RICE"), codified at 40 CFR Part 63, Subpart ZZZZ ("Subpart ZZZZ"), including without limitation, any general regulations contained in 40 CFR Part 63, Subpart A that Subpart ZZZZ makes applicable to Respondent (the "General Provisions").
2. Respondent shall install emission controls compliant with Subpart ZZZZ on each of the four main engines at the Cutler Facility identified as D#2, D#3, D#4, and D#5 and the smaller engine identified as D#6. The installation of controls on the first main engine, D#2, shall be complete by September 20, 2016. All such controls shall be installed and operational by February 20, 2017. Respondent shall achieve the applicable emission limits of Subpart ZZZZ on the first main engine, D#2, by September 20, 2106 and on all engines identified in this Paragraph by February 20, 2017.
3. Respondent shall test the emissions of each engine pursuant to Subpart ZZZZ. The controls on main engine D#2 and the smaller engine identified as D#6 shall be tested within thirty (30) days after installation of the controls during the first mobilization for stack testing in September 2016. The controls on main engines D#3, D#4, D#5 will be tested during a second mobilization for stack testing which would not occur until after the last engine, D#5, is retrofitted. All final stack testing shall be completed by March 22, 2017.
4. After testing confirms that the first main engine, D#2, with emission controls complies with Subpart ZZZZ, Respondent shall use that engine to generate power for its transmissions needs, until other engines have achieved compliance with Subpart ZZZZ. If a malfunction occurs to engine D#2 and it is not operable or if de-icing is required due to freezing temperatures, Respondent will need to operate one or more of the other main engines (D#3, D#4, D#5). Respondent will provide notification to EPA Region 1 as directed in paragraph 54 if a malfunction occurs to engine D#2 and/or if de-icing is required which requires the use of the other main engines (D#3, D#4, D#5) prior to the completion of all final stack testing.
5. Respondent shall submit a protocol for any emission testing to EPA for approval at least thirty (30) days before the commencement of such testing. Respondent shall grant EPA access to review and observe such testing. Respondent shall submit a written report to EPA regarding the results of the emissions testing within sixty (60) days of performing such testing. Respondent may submit the final test report and notification of compliance status (as described below) concurrently.
6. Respondent shall comply with this Appendix, as demonstrated through adequate recordkeeping. Respondent shall implement a record-keeping system that will record and

maintain the information necessary to demonstrate compliance with Subpart ZZZZ and this CAFO.

7. Respondent shall submit to EPA quarterly reports for twelve months or until completion of the installation and testing of the emission controls, whichever is longer, to demonstrate compliance with the terms of this CAFO. The first quarterly report will cover the three calendar-month period following the Effective Date of the CAFO. Respondent shall submit each quarterly report within 60 days of the end of the quarter.

8. Without limiting and as stated above, Respondent shall meet all applicable requirements of Subpart ZZZZ, including, but not limited to, the requirements summarized below.¹ Note that not all of the requirements of Subpart ZZZZ applicable to Respondent are listed below. Respondent shall comply with any applicable requirements of Subpart ZZZZ even if they are not listed below.

a. Emission Limitations and Operating Limitations

- i. As required by 40 CFR §63.6603(a), comply with the emission limitations contained in Table 2d. Specifically:
 1. Limit the concentration of carbon monoxide ("CO") in the stationary RICE exhaust to 23 ppmvd at 15 percent oxygen, or
 2. Reduce CO emissions by 70 percent or more.
- ii. As required by 40 CFR §63.6603(a), comply with the operating limitations contained in Table 2b. Specifically:
 1. Maintain the catalyst so that the pressure drop across the catalyst does not change by more than two inches of water from the pressure drop across the catalyst that was measured during the initial performance test; and
 2. Maintain the temperature of the stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450°F and less than or equal to 1,350°F.

b. Initial Compliance with Emission Limitations, Operating Limitations, and Other Requirements

- i. As required by 40 CFR §63.6630(a), Respondent shall demonstrate initial compliance according to Table 5 with each applicable emission and operating limitation. Specifically:
 1. IF Respondent elects to reduce the percentage of CO emissions using an oxidation catalyst and a continuous parameter monitoring system ("CPMS"), Respondent shall have demonstrated compliance if:

¹ Note that the following provisions of 40 CFR Part 63, Subpart ZZZZ apply to existing, stationary, compression ignition RICE greater than 500 horsepower using an oxidation catalyst located at an area source of Hazardous Air Pollutants.

- a. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and
- b. Respondent has installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR §63.6625(b); and
- c. Respondent has recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.

OR

- 2. IF Respondent elects to limit the concentration of CO using an oxidation catalyst and a CPMS; Respondent shall have demonstrated compliance if:
 - a. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and
 - b. Respondent has installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR §63.6625(b); and
 - c. Respondent has recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.

c. Initial Performance Testing

- i. As required by 40 CFR §63.6612(a), Respondent shall conduct initial performance testing according to Table 4 by complying with either (1) or (2) below. Specifically:
 - 1. IF Respondent elects to comply with the requirement to reduce the percentage of CO emissions, Respondent shall:
 - a. Select the sampling port location and the number/locations of traverse points at the inlet and outlet of the control device; and
 - b. Measure the oxygen at the inlet and outlet of the control device; and
 - c. Measure the CO at the inlet and the outlet of the control device.

OR

- 2. IF Respondent elects to comply with the requirement to limit the concentration of CO in the stationary RICE exhaust, Respondent shall:

- a. Select the sampling port location and the number/locations of traverse points at the exhaust of the stationary RICE; and
 - b. Determine the oxygen concentration of the stationary RICE exhaust at the sampling port location; and
 - c. Measure moisture content of the stationary RICE exhaust at the sampling port location; and
 - d. Measure CO at the exhaust of the stationary RICE.
- ii. Respondent shall follow the procedures for performance testing outlined in 40 CFR §63.6620.
- iii. In addition, according to 40 CFR §63.6620(i), as part of the notification of compliance status, Respondent shall produce a written report of the average percent load determination. The report shall include the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, and the ambient temperature, pressure, and humidity during the performance test and all assumptions that were made to estimate or calculate percent load during the performance test. If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, provide the model number of the measurement device and an estimate of its accuracy in percentage of true value.

d. Continuous Compliance with Emission Limitations and Operating Limitations

- i. According to 40 CFR §63.6640, Respondent shall demonstrate continuous compliance with each applicable emission limitation and operating limitation that applies to Respondent according to the methods specified in Table 6. Specifically:
 1. If Respondent elects to reduce the percentage of CO emissions, or limit the concentration of CO in the stationary RICE exhaust, by using an oxidation catalyst, Respondent shall demonstrate continuous compliance by:
 - a. Conducting performance tests every 8,760 hours of operation or three years, whichever comes first, to demonstrate that the required CO percentage reduction is achieved, or that Respondent's emissions remain at or below the CO concentration limit; and
 - b. Collecting the catalyst inlet temperature data according to 40 CFR §63.6625(b); and
 - c. Reducing these data to 4-hour rolling averages; and
 - d. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
 - e. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the

catalyst is within the operating limitation established during the performance test.

e. Monitoring, Installation, Collection, Operation and Maintenance Requirements

- i. Respondent shall comply with the monitoring, installation, collection, operation, and maintenance requirements of 40 CFR §63.6625. Specifically:
 1. According to 40 CFR §63.6625(b), Respondent shall install, operate, and maintain each CPMS according to the paragraphs (b)(1) through (6). This includes, but is not limited to, preparing a site-specific monitoring plan.
 2. According to 40 CFR §63.6625(g), IF Respondent operates an engine that is not equipped with a closed crankcase ventilation system, Respondent shall either:
 - a. Install a closed crank ventilation system that prevents crankcase emissions from being emitted to the atmosphere;
or
 - b. Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals.
- ii. According to 40 CFR §63.6625(h), Respondent shall minimize the engine's time spent at idle during start-up and minimize the engines' startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Table 2b apply.

f. Notification, Recordkeeping, Reporting

i. Notifications

1. Respondent shall submit the notifications required by 40 CFR §63.6645 and the General Provisions including but not limited to the following:
 - a. As required by 40 CFR §63.7(b)(1), Respondent shall submit a Notification of Intent to Test at least 60 days before the performance test is scheduled to begin.
 - b. As required by 40 CFR §§63.9(h)(2)(ii) and 63.10(d)(2), Respondent shall submit a Notification of Compliance Status before the close of business on the 60th day following the completion of the performance test.

ii. Recordkeeping

1. Respondent shall keep the records required by 40 CFR §63.6655 and the General Provisions.

iii. Reporting

1. Respondent shall submit the reports required by 40 CFR §63.6650, Table 7, and the General Provisions.

[End of Appendix 1. The remainder of the page is intentionally left blank.]

To: Pendleton, Gracie[Pendleton.Gracie@epa.gov]
Cc: Gardner, Allison[Gardner.Allison@epa.gov]; Jimenez, Jose[JIMENEZ.JOSE@EPA.GOV]
From: Dalzell, Sally[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e29f0da5e0fc481fa287a2e5503f8d97-Sdalzell]
Sent: Mon 7/17/2017 12:02:34 PM (UTC)
Subject: Re: Washington Navy Yard Penalty Payment

Yahoo! Great news indeed.

Congratulations, Gracie!!

Sally

Sent from my iPhone

On Jul 17, 2017, at 7:47 AM, Pendleton, Gracie <Pendleton.Gracie@epa.gov> wrote:

Good news!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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Begin forwarded message:

From: "Russell, Heather" <Russell.Heather@epa.gov>
Date: July 14, 2017 at 1:32:02 PM EDT
To: "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17
Accounts Receivable Date: 03/08/2017

ED_001395_00003343-00001

Amount: \$84,100.00
Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Tuesday, July 11, 2017 12:18 PM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 11:34 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:30 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [<mailto:kimberly.fedinatz@navy.mil>]
Sent: Thursday, June 15, 2017 8:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.

V/r,
Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the

ED_001395_00003343-00005

payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
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Federal Facilities and Federal Agency Liability

Superfund New Attorney Training
April 2017

Sally Dalzell

U.S EPA, Office of
Enforcement and
Compliance Assurance

Gary Worthman

U.S EPA, Office of
Enforcement and
Compliance Assurance



Federal Agency Liability CERCLA § 120(a)

Each department, agency of the U.S. shall be subject to CERCLA –

- in the **same manner**
- and to the **same extent**
- both procedurally and substantively
- as any nongovernmental entity.

[DateTime]

U.S. Environmental Protection Agency

2



Limitations on Enforcement

- **Unitary Executive Theory:** No Article III case or controversy
 - Article II Separation of Powers
 - Can't deprive Chief Executive – President – of his power to settle disputes within the Executive Branch
- **Sovereign Immunity:** For enforcement and/or penalty purposes must contain a clear express statement and/or waiver of sovereign immunity
- *DOE v. Ohio* – 1992, US Supreme Court



Federal Facility Universe

- 174 federal NPL sites
 - Compare to 1180 non-federal NPL Sites
 - Only 6 federal facilities added to the NPL since 2000 (312 finalized private sites)
- | | |
|------------|-----|
| Navy: | 30% |
| Army: | 26% |
| Air Force: | 22% |
| DOE: | 12% |
| Other : | 6% |

[DateTime]

U.S. Environmental Protection Agency

4



Federal Facility Universe



Small complexes
to huge military
installations

U.S. Post Office
Woodbridge, VA

[DateTime]

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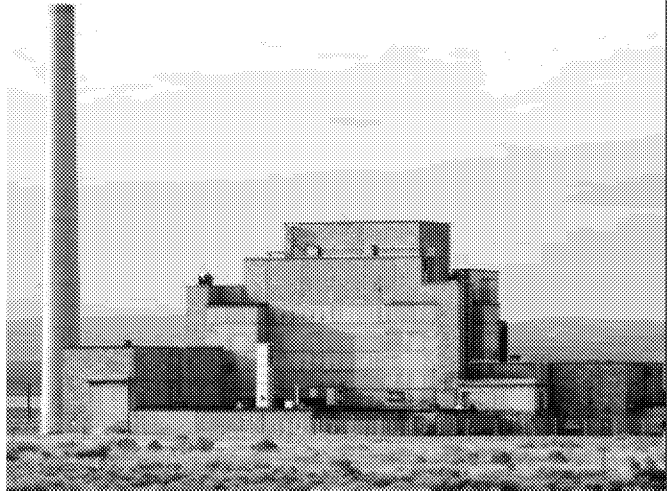
5



Federal Facility Universe

Hanford Nuclear Reservation, WA

- 586 square miles
- Nine former nuclear reactors
- Hanford cleanup (Public Pres Bud for 2017):
\$2 billion of which \$400 million is cleanup



[DateTime]

U.S. Environmental Protection Agency

6



Federal Facilities' Unique Issues



- Mustard gas storage at the Army's Aberdeen Proving Ground (MD)
- EPA inspects and oversees cleanup of this NPL site

[DateTime]

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7



Federal Facilities' Unique Issues

- Coal ash spill at TVA's Kingston plant (TN) in December 2008
- TVA signed a CERCLA 106 order on consent for cleanup



[DateTime]

U.S. Environmental Protection Agency

8



Federal Facilities' Unique Issues



- Camp Minden (LA) with hundreds of bags of explosives
- EPA issued RCRA § 7003 unilateral order requiring Army to address imminent and substantial endangerment posed by 18 million lbs of explosives

[DateTime]

U.S. Environmental Protection Agency

9



Federal Facilities' Unique Issues

- Resolved in a March 2016 CERCLA § 106 consent order (RCRA order withdrawn)
- As of April 12, 2017, 100% of the unstable propellant has been destroyed



[DateTime]

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10



Federal Facilities and Superfund

- CERCLA § 120
 - § 120(c): Federal Agency Hazardous Waste Compliance Docket—Feeder to NPL listing
 - § 120(e): Interagency Agreement (IAG) also known as Federal Facilities Agreement (FFA)



Federal Facility Agreements (FFAs)

- Within 180 days of Record of Decision (ROD) but typically sooner, providing timetable for RI/FS process
- 1988 model IAG, as modified, with variations
- Shall include schedule for expeditious completion of all remedial action
- FFAs may be negotiated and renegotiated
- Approximately 169 FFAs

[DateTime]

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12



FFA Enforcement

- FFAs enforceable by—
 - Stipulated penalties (written into FFA)—assessed on a weekly, not daily, basis
 - Administrative penalties (CERCLA § 109) using 40 C.F.R. part 22 administrative hearing procedures
 - Citizen suits (CERCLA § 310)
 - Dispute resolution provision with Administrator as final arbiter of disputes (approximately 7 disputes resolved by EPA's Administrator)

[DateTime]

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13



Federal Facilities Enforcement

- Where there is no FFA:
 - RCRA § 3008(h)/7003
 - SDWA § 1431

See DOJ/ Office of Legal Counsel (OLC) opinion (Dec. 2008) -
EPA may issue RCRA § 7003 orders to Federal Agency for
cleanup site-wide at NPL site

[DateTime]

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14



Federal Facilities Enforcement

Can EPA recover oversight costs from Federal agencies under FFAs?

- EPA asked DOJ's Office of Legal Counsel (OLC) this question on Feb 21, 2014
- EPA based its question on the Region 5 TCAAP FFA—only FFA in U.S. that provided for reimbursement (all others have placeholder language)
- OLC rendered its decision on August 26, 2016

[DateTime]

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15



Federal Facilities Enforcement

- OLC decided yes, the Army and also federal agencies MAY reimburse EPA's oversight costs
- Such reimbursement is not an augmentation of EPA funds
- OLC also said that DoD could use existing funds (DERA) to pay EPA—no need for separate congressional request



Roles at Federal NPL Sites

- Executive Order 12580 (Jan. 1987): Speaks in terms of President. Executive Order delegates President's response authority. Executive branch agencies = lead agency for cleanup at facilities under their custody or control
- National Contingency Plan (NCP) would designate the executive agency the lead for the cleanup. EPA is lead for oversight
- EPA Administrator has final decision on remedies at NPL sites. Sec. 120(e)(4)

[DateTime]

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17



Roles at Fed NPL Sites

- States may sign FFAs and/or assert RCRA or other authorities, where waivers of sovereign immunity
- All states except Massachusetts, New Jersey, and Maryland have signed FFAs
- EPA and state must agree that work is complete for the site to be deleted from the NPL

[DateTime]

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18



Roles at Non-NPL Sites

- Executive Order 12580 (Jan. 1987): Executive branch agencies = lead agency for cleanup at facilities under their custody or control (only DoD and DOE have emergency response authority like EPA)
- States may be “lead regulator” asserting own authorities where waivers of sovereign immunity; *e.g.*, RCRA-authorized program. See also, 42 U.S.C. § 120(a)(4)
- EPA may assert administrative authorities where statute meets clear express statement standard; *e.g.*, RCRA (subtitles C and I), SDWA, CAA



Federal Property Transfers CERCLA § 120(h)

- 3 types of property transfers:
 - Uncontaminated property
 - Cleanup completed
 - Early transfer (before cleanup)

[DateTime]

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20



Federal Property Transfers “Uncontaminated Property” CERCLA § 120(h)(4)

- CERCLA amendment (1992)
- EPA guidance (1997)
- In general:
 - For NPL sites, EPA must concur that property meets definition of “uncontaminated.” Petroleum included here which is unusual
 - For non-NPL sites, concurrence from state

[DateTime]

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21



Federal Property Transfers “Cleanup Completed” CERCLA § 120(h)(3)

- Federal agency provides covenant that
 - all remedial action has been taken (only hazardous substances included no pollutants or contaminants); and that
 - U.S. will undertake any additional remedial action found to be necessary after transfer
- Fed demonstrates to EPA that remedy is operating “properly and successfully,” including ICs and O&M

[DateTime]

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22



Federal Property Transfers “Early Transfer” CERCLA § 120(h)(3)(C)

- Fed property may be transferred prior to cleanup if finding of suitability for early transfer (FOSET) for intended use
 - NPL sites: FOSET by EPA Administrator
 - Non-NPL sites: FOSET by State Governor
- Federal agency must agree that “all necessary response action will be taken” consistent with identified schedule
- See EPA “Early Transfer Authority Guidance”

[DateTime]

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23

Consider hyperlink for early transfer authority and provide citations for when policy issued



Base Realignment and Closure Act (BRAC)

- Since 1988, five rounds of base closure
- Currently, 72 BRAC NPL sites
- Stakeholders
 - Local redevelopment authority (LRA)
 - Restoration advisory board (RAB)
 - State
 - EPA

[DateTime]

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24



Base Realignment and Closure Act (BRAC)

- Lots of guidance (by EPA and DOD)
 - Interim Guidance for EPA's BRAC Program (EPA, April 2006)
 - Turning Bases Into Great Places (EPA, Jan. 2006)
 - A Feb 21, 2017 *Washington Examiner* article reported that "the Pentagon released a report in March 2017 that said the Defense Department has 22 percent excess infrastructure. It asked in its fiscal 2017 budget request for \$4 million to begin the planning for another round of BRAC in 2019, which Congress denied. This month, top officers reignited the plea before the House Armed Services Committee, and key lawmakers have brought the issue of base closures back into the spotlight."

[DateTime]

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25



Institutional Controls/Land Use Controls

- Controls for active facilities differ from those required for closing bases

See EPA, Land Use Controls Checklist (Oct. 2006)

[DateTime]

U.S. Environmental Protection Agency

26

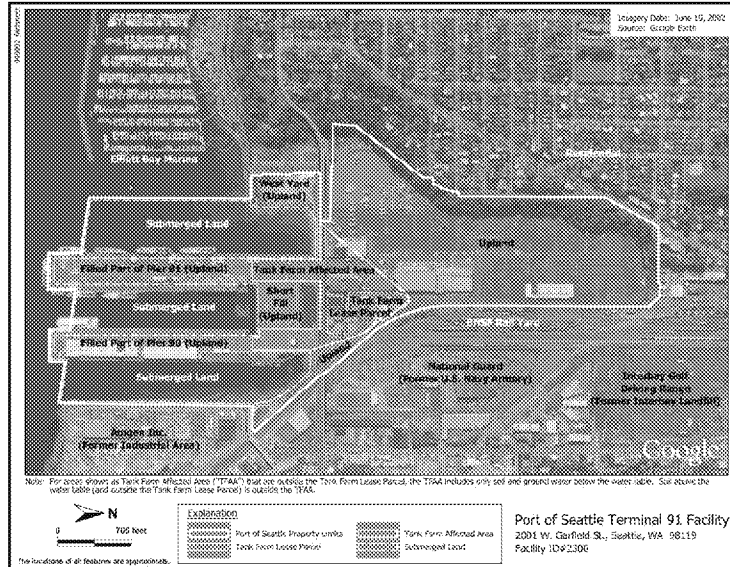


Formerly-Used Defense Sites (FUDS)

- Two overlapping cleanup programs:
CERCLA and DERP (10 U.S.C. 2701)
- U.S. Army Corps of Engineers = DOD's
agent for cleanup of sites from all services
- EPA FUDS policy (March 2002) assumes
states will oversee most work at non-NPL
FUDS



Formerly-Used Defense Sites (FUDS)



[DateTime]

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28



Formerly-Used Defense Sites (FUDS)



Former Seattle
Naval Supply
Depot

[DateTime]

U.S. Environmental Protection Agency

29



Federal Agency Liability at Private Sites

1. Treat federal agencies similar to private parties
2. Role of federal agencies at private sites
3. Major settlement issues
4. Use of CERCLA order authority requires DOJ concurrence



1. Treat Federal Agencies Similar to Private Parties

- EPA sends Federal Agencies § 104(e) information request letters
- EPA sends general/special notice letters to federal agencies

Resource: Practices for Addressing the Cleanup Liability of Federal Entities for Privately Owned Sites (Breen 2002)



Federal Agency Liability

- Most Likely Reasons Federal Agency is a PRP
 - Owner/operator at the time of disposal
 - Arranged for the disposal of hazardous substances (generator)
- Federal Agencies May Have Significant Liability at a Site
 - War-related activities
 - Contracted for disposal of waste



2. Role of Federal Agencies at Private Sites

- Federal agencies may be work parties but must have available appropriations (e.g., use of DERA at FUDS Sites)
- Federal agencies often cash-out (with funds coming from the Judgment Fund)
 - derivative liability (from potential contribution litigation)
 - settlement requires a third party

[DateTime]

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33



2. Role of Federal Agencies at Private Sites

- Federal agencies can be *de minimis* parties
- Federal agencies involved at RD/RA, but may also settle earlier (e.g., removal, RI/FS)
- Federal agencies are represented by DOJ's Environmental Defense Section (EDS)



Access to Judgment Fund

- Judgment Fund is a permanent, indefinite appropriation generally available to pay amounts owned by U.S. (31 U.S.C. § 1304)
- Eligibility for funding
 - award must resolve the matter
 - provide monetary relief
 - must be judicial or administrative settlement
 - amounts are not otherwise provided for



3. Major Settlement Issues

- Allocation of responsibility
- Amount of payment (including premium)
- Covenants/reservations/reopeners
- Model settlement language specific to federal agencies



4. Use of CERCLA Order Authority Requires DOJ Concurrence

- Executive Order 12580 requires DOJ Concurrence on CERCLA § 106 Orders (and § 104(e) orders) to executive branch agencies

Resource: Procedures and Criteria for Department of Justice Concurrence in EPA Administrative Orders to Federal Agencies (Marzulla 1988)



4. Use of CERCLA Order Authority Requires DOJ Concurrence

- Section 106 orders to federal agencies requires modification of model provisions (e.g., they are enforceable through § 310 of CERCLA – the citizen suit provision)
- Regions have referred 15 § 106 orders for DOJ concurrence (DOJ has concurred on 3; the remaining 12 resulted in settlement)

[DateTime]

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38



Resources

- Federal Facilities Enforcement Office (FFEO)
- Federal Facilities Restoration and Reuse Office (FFRRO)
- Office of Site Remediation Enforcement (OSRE)
- Federal Facilities Leadership Council (FFLC)
- Federal Facilities Esquires Group



Sally Dalzell, Senior Counsel

U.S. EPA/OECA/FFEO

Dalzell.Sally@epa.gov

202-564-2583

Gary Worthman, Senior Attorney

U.S. EPA/OECA/OSRE

Worthman.Gary@epa.gov

202-564-4296

[DateTime]

U.S. Environmental Protection Agency

40

To: Kilborn, John[Kilborn.John@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]
Cc: Muller, Marie[MULLER.MARIE@EPA.GOV]; Leff, Karin[Leff.Karin@epa.gov]
From: Dalzell, Sally[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]
Sent: Tue 4/11/2017 8:04:35 PM (UTC)
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

No briefing necessary. Yay.

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
(202) 501-0069 (fax)
<http://www.fedcenter.gov>

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-----Original Message-----

From: Cozad, David
Sent: Tuesday, April 11, 2017 3:44 PM
To: Dalzell, Sally <Dalzell.Sally@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>
Subject: FW: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hi

Meant to cc you on this. No need to brief or elevate

-----Original Message-----

From: Cozad, David
Sent: Tuesday, April 11, 2017 3:43 PM
To: Studlien, Susan <Studlien.Susan@epa.gov>
Subject: RE: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Hi

Proceed! We gave the AO a heads up on our daily report that you were finalizing this; but only as a heads up. We did not seek approval. Pass along our thanks for some great work.

-----Original Message-----

From: Studlien, Susan
Sent: Tuesday, April 11, 2017 8:20 AM
To: Cozad, David <Cozad.David@epa.gov>
Subject: SIGNED CAFO - NCTAMS ATLANTIC DET CUTLER, ME,

Dave,
Attached is a CAFO in our Cutler Naval Air Station matter, signed by the Navy with penalty over

\$500,000. Do we need to set a briefing for this case before we sign? John Kilborn, our staff attorney, has a number of other matters in high gear right now, so it would be terrific if we might be able to substitute a "fact sheet." Just let me know, and we'll do whatever works here.

Thanks very much.

Susan Studien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Boston, Massachusetts 02109
Office: 617-918-1701
Mobile: 857-225-2121

To: Doster, Kathleen[Doster.Kathleen@epa.gov]
From: Dalzell, Sally
Sent: Tue 1/31/2017 10:07:31 PM
Subject: Re: Did you see this message ? Can't tell when she sent it on my phone.

2nd message down

Sent from my iPhone

On Jan 31, 2017, at 5:07 PM, Dalzell, Sally <Dalzell.Sally@epa.gov> wrote:

Once they have signed the MIPR – the Navy should be providing a copy to DFAS. DFAS then should initiate the IPAC to EPA, or EPA can then go and ‘pull’ the money from them. We just also need to get their ALC if EPA is going to initiate it. If they can provide a DFAS contact, I would be happy to work with them to make sure the money gets to us.

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process

the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an 'accepted' MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and 'pull' the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA's Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Sent from my iPhone

To: Doster, Kathleen[Doster.Kathleen@epa.gov]
From: Dalzell, Sally
Sent: Tue 1/31/2017 10:06:59 PM
Subject: Did you see this message ? Can't tell when she sent it on my phone.

Once they have signed the MIPR – the Navy should be providing a copy to DFAS. DFAS then should initiate the IPAC to EPA, or EPA can then go and ‘pull’ the money from them. We just also need to get their ALC if EPA is going to initiate it. If they can provide a DFAS contact, I would be happy to work with them to make sure the money gets to us.

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Sent from my iPhone

Cc: Dixon, Chelsea[Dixon.Chelsea@epa.gov]; Garvey, Melanie[Garvey.Melanie@epa.gov]
To: Doster, Kathleen[Doster.Kathleen@epa.gov]
From: Dalzell, Sally
Sent: Tue 1/31/2017 6:39:46 PM
Subject: Fwd: IPAC info.

Sent from my iPhone

Begin forwarded message:

From: "Leff, Karin" <Leff.Karin@epa.gov>
Date: January 31, 2017 at 12:26:46 PM EST
To: "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Doster, Kathleen" <Doster.Kathleen@epa.gov>, "Dixon, Chelsea" <Dixon.Chelsea@epa.gov>
Subject: RE: IPAC info.

Talked to Susan Studlien and had a nice call. I explained our approach and she thought that would be a good outcome. She was calling John to let him know so you guys could work together to get new language proposed. In addition, she mentioned that Johanna Jerrison (who I know from SF) will be managing the Fed Fac work rather than Audrey Zucker. Joanna agreed to takeover on the condition that she got 2 new hires for fed fac. Well those hires aren't happening because of the freeze. I offered up our talented folks to help out on cases if the region needed support. Susan was quite interested and was going to discuss with Johanna.

Karin Leff

Acting Director, Federal Facilities Enforcement Office

US EPA-OECA

202.564.7068 (w)

202.236.3669 (c)

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From: Dalzell, Sally
Sent: Tuesday, January 31, 2017 10:05 AM
To: Doster, Kathleen <Doster.Kathleen@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>
Cc: Leff, Karin <Leff.Karin@epa.gov>
Subject: FW: IPAC info.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

(202) 501-0069 (fax)

<http://www.fedcenter.gov>

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From: Williams, Molly
Sent: Tuesday, January 31, 2017 9:13 AM
To: Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: IPAC info.

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

To: Doster, Kathleen[Doster.Kathleen@epa.gov]; Dixon, Chelsea[Dixon.Chelsea@epa.gov]
Cc: Leff, Karin[Leff.Karin@epa.gov]
From: Dalzell, Sally
Sent: Tue 1/31/2017 3:04:49 PM
Subject: FW: IPAC info.

Sally M. Dalzell, Senior Counsel

Federal Facilities Enforcement Office, 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, D.C. 20004

(202)564-2583

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From: Williams, Molly
Sent: Tuesday, January 31, 2017 9:13 AM
To: Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: IPAC info.

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Let me know if you have any other questions or need anything else!

Thanks,

Molly

Molly Williams, Supervisor

Reimbursable Branch

US EPA/OCFO/OC/CFC/RB

26 W MLK Drive, MS-002

Cincinnati, OH 45268

513-487-2076

513-487-2063 (fax)

To: Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Gardner, Allison[Gardner.Allison@epa.gov]; Jimenez, Jose[JIMENEZ.JOSE@EPA.GOV]
From: Dalzell, Sally[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E29F0DA5E0FC481FA287A2E5503F8D97-SDALZELL]
Sent: Tue 7/18/2017 12:11:54 PM (UTC)
Subject: RE: Washington Navy Yard Penalty Payment

Just for the record. . . .

Richard Mach from the Navy called me back yesterday and asked me to tell him again what it was I wanted.

He lost the voice mail and wanted to me call or write him again.

So. . . Grace, it was all you that got this penalty paid.

My call did not solve the problem.

I thanked Richard, and told him all is well.

Sally

Sally M. Dalzell, Senior Counsel
Federal Facilities Enforcement Office, 2261A
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
(202)564-2583
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From: Pendleton, Gracie
Sent: Monday, July 17, 2017 7:47 AM
To: Gardner, Allison <Gardner.Allison@epa.gov>; Jimenez, Jose <JIMENEZ.JOSE@EPA.GOV>; Dalzell, Sally <Dalzell.Sally@epa.gov>
Subject: Fwd: Washington Navy Yard Penalty Payment

Good news!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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Begin forwarded message:

From: "Russell, Heather" <Russell.Heather@epa.gov>
Date: July 14, 2017 at 1:32:02 PM EDT
To: "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17
Accounts Receivable Date: 03/08/2017
Amount: \$84,100.00
Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather

Sent: Tuesday, July 11, 2017 12:18 PM

To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>

Cc: Steffen, Craig <steffen.craig@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie

Sent: Tuesday, July 11, 2017 11:34 AM

To: Russell, Heather <Russell.Heather@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton

Attorney-Advisor

Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie

Sent: Thursday, June 15, 2017 9:30 AM

To: Russell, Heather <Russell.Heather@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton

Attorney-Advisor

Tel: 202-564-2588

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email and delete all copies of the message.

-----Original Message-----

From: Russell, Heather

Sent: Thursday, June 15, 2017 9:28 AM

To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen

(513)487-2091 (phone)

(513)487-2063 (fax)

steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie

Sent: Thursday, June 15, 2017 9:09 AM

To: Russell, Heather <Russell.Heather@epa.gov>

Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton

Attorney-Advisor

Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [<mailto:kimberly.fedinatz@navy.mil>]

Sent: Thursday, June 15, 2017 8:28 AM

To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>

Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]

Sent: Tuesday, May 30, 2017 11:31 AM

To: Fedinatz, Kimberly G CIV NAVFAC Washington

Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,

You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.

V/r,

Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]

Sent: Wednesday, May 24, 2017 3:55 PM

To: Fedinatz, Kimberly G CIV NAVFAC Washington

Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
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To: Dixon, Chelsea[Dixon.Chelsea@epa.gov]
From: Fenn, Anne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7991D9C2651145F5ACE7AB4C46BB0DF5-FENN, ANNE]
Sent: Thur 8/3/2017 2:46:06 PM (UTC)
Subject: FW: Stationary RICE Webinar Questions

Hi Chelsea- Thought you should see this issue which "surfaced " from The Naval Surface Warfare Center. We should make arrangements to put the agenda and presentations on FEDCENTER at least- Anne

Anne H. Fenn
Federal Facility Program Manager
RCRA, EPCRA and Federal Programs Unit
Office of Environmental Stewardship
US Environmental Protection Agency
5 Post office Sq. Suite 100, MC-OES05-1
Boston, MA 02109
617-918-1805
Fenn.Anne@epa.gov

-----Original Message-----

From: Stager, Jennifer L CIV NSWC Philadelphia, 1023 [mailto:jennifer.stager@navy.mil]
Sent: Thursday, August 03, 2017 8:59 AM
To: Fenn, Anne <fenn.anne@epa.gov>
Subject: Stationary RICE Webinar Questions

Hi Anne,

Do you know if the stationary RICE webinar training (or any EPA webinar) will be available in another format other than Adobe Connect? My command does not have Adobe Connect authorized for use, so I am not able to attend this or any other EPA webinar. Do these webinars get archived, and if so, in what format? Any information you can provide would be appreciated.

Thanks!
Jenn Stager
Environmental Engineer
Naval Surface Warfare Center - Philadelphia Division
(215) 897-2241
jennifer.stager@navy.mil

-----Original Message-----

From: sitemgr@fedcenter.gov [mailto:sitemgr@fedcenter.gov]
Sent: Saturday, July 29, 2017 5:16 AM
To: Stager, Jennifer L CIV NSWC Philadelphia, 1023
Subject: [Non-DoD Source] FedCenter Daily Newsletter

Site Logo <<https://www.fedcenter.gov/>>
FedCenter Daily Newsletter for Saturday, July 29, 2017

Events

<https://www.fedcenter.gov/_storage/pages/images/pge.type.1.gif> Environmental Compliance
<<https://www.fedcenter.gov/programs/compliance/>>

08/23/2017

National Stormwater Calculator (Web-based) <<https://www.fedcenter.gov/Events/index.cfm?id=31588>> (08/23/2017 from 03:00 PM - 04:00 PM) In order to reduce impairment, EPA has developed the National Stormwater Calculator (SWC) to help support local, state and national stormwater management objectives and regulatory efforts to reduce runoff through infiltration and retention using green infrastructure (infrastructure based on natural processes) practices as low impact development (LID) controls. The primary focus of the SWC is to inform site developers on how well they can meet a desired stormwater retention target with and without the use of green infrastructure. It can also be used by landscapers and homeowners. The SWC is a Windows-based desktop program that requires an internet connection. A mobile web application version that will be compatible with all operating systems will be released this fall.

<https://www.fedcenter.gov/_storage/pages/images/pge.type.1.gif> Home <<https://www.fedcenter.gov/>>
09/14/2017

Webinar - Federal Facility Clean Air Act Requirements for Stationary Reciprocating Internal Combustion Engines (Web-based) <<https://www.fedcenter.gov/Events/index.cfm?id=31589>> (09/14/2017 from 02:00 PM - 03:30 PM) Join EPA's National Webinar on Clean Air Act Stationary Reciprocating Internal Combustion Engine (RICE) requirements <<https://www.epa.gov/stationary-engines/compliance-requirements-stationary-engines>> and learn about the public health impacts of stationary RICE and emergency generators, why EPA regulates these engines, and your specific regulatory requirements as a federal facility. EPA recently settled two enforcement cases with significant penalties against federal facilities for violating the RICE regulations. EPA is conducting this webinar in order to help other regulated federal facilities better understand their responsibilities under the RICE rules. This is your opportunity to learn, and also ask EPA staff questions about these requirements. To register for the webinar, click here

<https://www.fedcenter.gov/_plugins/programs/remotelink/rlink.cfm?dest=http://epawebconferencing.acm.s.com/fedfacricewebinarcaa/event/event_info.html> .

<https://www.fedcenter.gov/_storage/pages/images/pge.type.1.gif> Training
<<https://www.fedcenter.gov/training/>>

08/23/2017

National Stormwater Calculator (Web-based) <<https://www.fedcenter.gov/Events/index.cfm?id=31588>> (08/23/2017 from 03:00 PM - 04:00 PM) In order to reduce impairment, EPA has developed the National Stormwater Calculator (SWC) to help support local, state and national stormwater management objectives and regulatory efforts to reduce runoff through infiltration and retention using green infrastructure (infrastructure based on natural processes) practices as low impact development (LID) controls. The primary focus of the SWC is to inform site developers on how well they can meet a desired stormwater retention target with and without the use of green infrastructure. It can also be used by landscapers and homeowners. The SWC is a Windows-based desktop program that requires an internet connection. A mobile web application version that will be compatible with all operating systems will be released this fall.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 25 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Colonel Todd Turner, Commander
Headquarters
United States Army Garrison
Fort Gordon
307 Chamberlain Avenue
Fort Gordon, Georgia 30905-5730

Re: Consent Agreement and Final Order
In the Matter of the U.S. Army Signal Center and Fort Gordon Military Base
Docket No. CAA-04-2017-1500

Dear Colonel Turner:

Enclosed please find a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk as directed in Section 22.05(a) of the Consolidated Rules of Practice, as amended. Please refer to Section IV (Final Order), for the terms and instructions regarding the U.S. Army Signal Center and Fort Gordon Military Base (Fort Gordon) final payment on the penalty due. Any questions regarding the processing of Fort Gordon's penalty may be directed to Ms. Heather Russell, Financial Management Office, at (513) 487-2044

If you have any questions, please contact Kevin Taylor of the South Air Enforcement and Toxics Section at (404) 562-9134 or Valerie Nowell, Esq., Associate Regional Counsel, at (404) 562-9555.

Sincerely

Beverly A. Spagg
Chief, Air Enforcement and Toxics Branch

Enclosure

cc (w/ enclosure):

Major Brett C. Shepard, Environmental Law Attorney
Resource Sustainment & Restoration Branch
Environmental Law Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:

United States Army, Respondent
Signal Center and Fort Gordon Military Base
Fort Gordon, Georgia

Docket No. CAA-04-2017-1500

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), as codified at 40 C.F.R. Part 22.
2. Complainant is the Director of the Air, Pesticides and Toxics Management Division of the United States Environmental Protection Agency, Region 4 (the "EPA"). In administrative penalty assessment proceedings under Section 113(d) of the Act, Complainant has been delegated the authority to issue complaints, and to sign consent agreements on the EPA's behalf.
3. Respondent is the United States Army, a department, agency, and/or instrumentality of the United States. Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement and the attached final order

(CAFO) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

B. JURISDICTION

5. This CAFO is entered into under Section 113(d) of the Act, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to sections 112(i)(3) and 113(a)(3)(A) of the Act, as amended.
6. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.
7. The notice requirements of section 113(a) do not apply to the alleged violations in this CAFO. Nevertheless, the EPA provided Respondent with a Finding of Violation on August 25, 2015, and provided Respondent with an opportunity to confer with the EPA. On October 29, 2015, a meeting took place between representatives of Respondent, the Georgia Department of Environment and Natural Resources, Environmental Protection Division, and the EPA, during which the August 25, 2015 Finding of Violation was discussed. An additional meeting took place on February 18, 2016, and a conference call took place on September 9, 2016, at which times the penalty was discussed.
8. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. § 22.4(a) and 22.18(b).
9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

10. The CAA is designed to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401(b)(1).
11. In Section 112(b) of the CAA, Congress established a list of hazardous air pollutants (HAPs). 42 U.S.C. § 7412(b)(1).
12. Congress directed the EPA to publish a list of categories and subcategories of major sources and area sources of HAPs. 42 U.S.C. § 7412(c).
13. Congress directed the EPA to establish emission standards for each category or subcategory of major sources and area sources of HAPs. 42 U.S.C. § 7412(d).
14. These standards are known as National Emission Standards for Hazardous Air Pollutants (NESHAPs) or maximum achievable control technology (MACT) standards, and are compiled primarily at 40 C.F.R. Part 63.
15. A "major source" is a stationary source that emits or has the potential to emit more than 10 tons per year of any single HAP or more than 25 tons per year of any combination of HAPs. 42 U.S.C. § 7412(a)(1); 40 C.F.R. § 63.2. An "area source" is a stationary source of HAPs that is not a "major source." 42 U.S.C. § 7412(a)(1); 40 C.F.R. § 63.2.
16. A "stationary source" is any building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7412(a)(3); 40 C.F.R. § 63.2.
17. A "major source" must have an operating permit issued pursuant to Title V of the CAA, and implementing regulations, and must operate in compliance with such permit. 42 U.S.C. § 7661a(a); 40 C.F.R. § 70.7(b); Ga. Comp. R. & Regs. r. 391-3-1-.03(10).
18. General NESHAP provisions that apply, generally, to all source categories, are located in 40 C.F.R. Part 63, Subpart A.

19. The NESHAP for Reciprocating Internal Combustion Engines (RICE) was originally promulgated at 69 Fed. Reg. 33473 (June 15, 2004), and is set forth at 40 C.F.R. Part 63, Subpart ZZZZ, 40 C.F.R. §§ 63.6580 through 63.6675, including Tables 1 through 8 and Appendix A. Subpart ZZZZ was subsequently revised at 75 Fed. Reg. 9648, effective May 3, 2010, to include requirements for existing non-emergency stationary compression ignition engines greater than 500 brake horsepower that are located at major sources of HAPs. 40 C.F.R. § 63.6600(d).
20. The major HAPs emitted by facilities covered by Subpart ZZZZ are formaldehyde, acrolein, acetaldehyde and methanol. Exposure to these HAPs may produce a wide variety of health difficulties for people, including irritation of the eyes, skin and mucous membranes, and central nervous system.
21. Carbon monoxide (CO) has been shown to be an appropriate surrogate for HAP emissions from RICE engines covered by Subpart ZZZZ. The EPA found that there is a relationship between CO emissions reductions and HAP emissions reductions from such engines. Therefore, because testing for CO emissions has many advantages over testing for HAP emissions, CO emissions were chosen as a surrogate for HAP emissions reductions for these engines. 75 Fed. Reg. 9648, 9651 (March 3, 2010).
22. NESHAPs are effective upon promulgation. 42 U.S.C. § 7412(d)(10). After the effective date of a NESHAP, no person shall operate a source subject to the NESHAP in violation of such NESHAP. 42 U.S.C. § 7412(i)(3).
23. As stated above, Respondent is a person as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e). Respondent must comply with the NESHAPs, including Subpart ZZZZ, pursuant to Section 118 of the CAA, 42 U.S.C. § 7418.

24. Section 112(l) of the CAA allows states to develop and submit to EPA for approval, programs to implement and enforce NESHAPs, but EPA continues to have authority to enforce such standards. 42 U.S.C. §§ 7412(l)(1), 7412(l)(7) and 7413.
25. The EPA has delegated to the Georgia Department of Environment and Natural Resources, Environmental Protection Division the authority to implement and enforce unchanged, the Subpart ZZZZ requirements. 40 C.F.R. § 63.99(a)(11)(i). Georgia adopted Subpart ZZZZ by reference, as amended through January 30, 2013. Ga. Comp. R. & Regs. r. 391-3-1-.02(9)(b)(118). As stated above, EPA continues to have authority to enforce such standards. 42 U.S.C. §§ 7412(l)(1), 7412(l)(7) and 7413.
26. The compliance date for Subpart ZZZZ for existing non-emergency stationary compression ignition engines greater than 500 brake horsepower that are located at major sources of HAPs was May 3, 2013. 40 C.F.R. § 63.6595(a).
27. By May 3, 2013, existing non-emergency stationary compression ignition engines greater than 500 brake horsepower, located at major sources of HAPs, were required to either: a) limit CO emissions to 23 parts per million per dry volume (ppmvd) at 15 percent oxygen; or, b) reduce CO emissions by 70 percent. 40 C.F.R. §§ 63.6595(a); 63.6600(d) and Table 2c, No.5.
28. The owner or operator of an existing non-emergency stationary compression ignition engine greater than 500 brake horsepower, located at a major source of HAPs, must demonstrate compliance with the emission limits described in Paragraph 27, within 180 days after the compliance date of May 3, 2013, by October 30, 2013. 40 C.F.R. § 63.6610(a). The performance test or other initial compliance demonstration must be conducted in accordance with the requirements of 40 C.F.R. § 63.7(a)(2). 40 C.F.R. § 63.6610(a).

29. The owner or operator must submit a Notice of Compliance Status report within 60 days of completion of performance testing. 40 CFR § 63.6645(h).
30. The owner or operator must submit an initial semiannual compliance report by July 31, 2013, for the period of May 3, 2013 to June 30, 2013, pursuant to 40 C.F.R. § 63.6650(b)(1) of Subpart ZZZZ.
31. The owner operator must submit subsequent semiannual compliance reports by January 31st covering the period of July 1st through December 31st and by July 31st covering the period of January 1st through June 30th, pursuant to 40 C.F.R. § 63.6650(b)(3) and (4) of Subpart ZZZZ.

D. FACTS

32. The United States Army owns and operates a military base known as the United States Army Signal Center and Fort Gordon located in Fort Gordon, Richmond County, Georgia (hereinafter Fort Gordon).
33. Fort Gordon is a major source of HAPs with a potential to emit greater than 25 tons per year of any combination of HAPs and a potential to emit greater than 10 tons per year of any individual HAP. 42 U.S.C. § 7412(a)(1); 40 C.F.R. § 63.2.
34. Fort Gordon operates ten non-emergency compression ignition stationary RICE units with a site rating of more than 500 brake horsepower, which are subject to Subpart ZZZZ. 40 C.F.R. § 63.6595(a). These ten engines are identified as units G001 through G010 in Table 1 of Part 3.0 of Fort Gordon's renewal Title V permit no. 9711-245-0021-V-02-0, issued on March 9, 2010.
35. By the compliance deadline of May 3, 2013, these ten RICE units, identified as units G001 through G010, were required to meet the emission limits in Subpart ZZZZ.

36. In addition, Fort Gordon was required to demonstrate through performance testing conducted no later than October 30, 2013 (180 days after May 3, 2013), that these ten RICE units G001 through G010, were meeting the emission limits in Subpart ZZZZ. 40 C.F.R. § 63.6610(a).
37. Fort Gordon conducted performance testing on these ten units G001 through G010, from October 29 to 31, 2013, and this testing demonstrated that units G002 through G010 were above the emission limits required by Subpart ZZZZ (described in Paragraph 27).
38. The October 29 to 31, 2013 performance testing was inconclusive for unit G001. Fort Gordon re-tested unit G001 on February 24 to 25, 2014, at which time Fort Gordon demonstrated that unit G001 met the emission limit of 23 ppmvd of CO at 15 percent oxygen, required by Subpart ZZZZ.
39. The October 29 to 31, 2013 performance testing demonstrated that the remaining units, G002 through G010, exceeded the 23 ppmvd CO, at 15 percent oxygen, emission limit, set by Subpart ZZZZ. More specifically, unit G002 tested at 354.6 ppmvd, unit G003 tested at 340.9 ppmvd, unit G004 tested at 281.6 ppmvd, unit G005 tested at 286.2 ppmvd, unit G006 tested at 237.3 ppmvd, unit G007 tested at 289.5 ppmvd, unit G008 tested at 793.1 ppmvd, unit G009 tested at 780.2 ppmvd and unit G010 tested at 647.8 ppmvd. All results were documented at 15 percent oxygen.
40. Fort Gordon submitted a Notice of Compliance Status report to the EPA on December 3, 2015, for the performance testing conducted on October 29-31, 2013.
41. Fort Gordon entered into a Consent Order with the State of Georgia Department of Natural Resources, Environmental Protection Division (Division), dated August 12, 2015, in which Fort Gordon agreed to complete the following conditions:

1. The Respondent shall complete the necessary upgrades to the engines on Generators G002 through G010 by December 30, 2015, and conduct performance testing on each generator engine within 60 days of the completion of the upgrade on that engine;
2. Within 30 days from the execution of this order, Fort Gordon shall provide documentation of each occurrence of the operation of Generators G002 through G010 from May 3, 2013, through May 31, 2015. The information shall include the date of operation, the hours of operation of each generator for each occurrence, and the estimated amount of fuel consumed during each month;
3. Fort Gordon shall provide a monthly report of the operation of Generators G002 through G010 beginning with June 2015 and continuing until the Division has reviewed the performance testing results for each generator and determined that the generators are in compliance with Subpart ZZZZ emission limits. The monthly report shall be due to the Division by the 15th day following the end of the month and shall include the date of operation, the hours of operation of each generator for each occurrence, and the estimated amount of fuel consumed during each month.

Consent Order no. EPD-AQC-6777, between State of Georgia, Department of Natural Resources, Environmental Protection Division and U.S. Army Signal Center and Fort Gordon, August 12, 2015.

42. Fort Gordon undertook performance testing on units G002 through G010 on February 12, 2016, which demonstrated compliance with the emission limits in Subpart ZZZZ.
43. On March 25, 2016, Fort Gordon submitted a Notice of Compliance Status report to the EPA for the performance testing conducted on February 12, 2016.

E. ALLEGED VIOLATIONS OF LAW

44. Fort Gordon failed to achieve compliance with the emission limits in Subpart ZZZZ by the compliance deadline of May 3, 2013 for RICE units G002 through G010. 40 C.F.R. §§ 63.6595(a); 63.6600(d) and Table 2c, No.5.

45. Fort Gordon failed to demonstrate compliance with the emission limits in Subpart ZZZZ by the October 30, 2013 deadline for performance testing for RICE units G002 through G010. 40 C.F.R. § 63.6610(a).
46. Pursuant to 40 C.F.R. § 63.6650(b)(1) of Subpart ZZZZ, an initial semiannual report for Fort Gordon was required to be submitted by July 31, 2013, for the period of May 3, 2013 to June 30, 2013. Fort Gordon failed to submit the required report.
47. Pursuant to 40 C.F.R. § 63.6650(b)(3) and (4) of Subpart ZZZZ, a subsequent semiannual report for Fort Gordon was required to be submitted by January 31, 2014, for the period of July 1, 2013 to December 31, 2013. Fort Gordon failed to submit the required report.
48. Pursuant to 40 C.F.R. § 63.6645(h)(2) of Subpart ZZZZ, a notification of compliance status report was required to be submitted sixty days following the completion of the performance testing of units G001 through G010. Fort Gordon failed to submit the required report within sixty days following the completion of the October, 2013 performance testing. Fort Gordon submitted the report on December 3, 2015.

F. TERMS OF CONSENT AGREEMENT

49. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
 - (a) admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - (b) neither admits nor denies the factual allegations stated above;
 - (c) consents to the assessment of a civil penalty as stated below;
 - (d) consents to the issuance of any specified compliance or corrective action order;
 - (e) waives any right to contest the alleged violations of law set forth in this CAFO; and

(f) waives its rights to appeal the Order accompanying this CAFO.

50. For the purpose of this proceeding, Respondent:

- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - (c) waives any right any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1); and
 - (d) waives any right to contest the allegations contained in this CAFO or to appeal the attached Final Order, including any right to confer with the EPA Administrator under 40 C.F.R. § 22.31(e) with regard to this case.
- Respondent expressly waives the notice requirement and its opportunity to request a hearing on the order pursuant to Section 113(d)(2)(A) of the Act, as amended, 42 U.S.C. § 4213(d)(2)(A).

51. Penalty Payment. Respondent agrees to:

- (a) pay the civil penalty of \$ 241,420.00 ("EPA Penalty") within 90 calendar days of the Effective Date of this CAFO.
- (b) pay the EPA Penalty using any method, or combination of methods, provided on the website <http://www2.epa.gov/financial/additional-instructions-making-payments-epa>, and identifying each and every payment with "Docket No. CAA-04-2017-1500."

- (c) send proof of payment to the following three people, within 24 hours of payment of the EPA Penalty:

1. Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
2. Saundi Wilson
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
wilson.saundi@epa.gov
3. Kevin Taylor
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
taylor.kevin@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with “Docket No. CAA-04-2017-1500.”

52. Respondent’s Treasury Account Symbol is 21 2020. Inquiries concerning this payment can be made to Patricia A. Kight (Trish), who can be contacted at 706-791-7711, and patricia.a.kight.civ@mail.mil.
53. Respondent shall seek all existing funds to meet the requirements of this CAFO. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligations to comply with this CAFO. Nothing in this CAFO shall be interpreted to require obligations or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

54. If Respondent fails to make full and complete payment of the \$241,420.00 penalty by the due date set forth in this CAFO, the entire unpaid balance of the penalty shall become immediately due and owing. EPA reserves its right to compel payment, and in any action to compel payment of the unpaid balance of the penalty, the validity, amount, and appropriateness of the penalty shall not be subject to review. EPA also reserves its right to seek interest on any unpaid portion of the late payment. No interest shall be payable on any portion of the assessed penalty that is paid within 90 days of the effective date of the Final Order. The Army disputes EPA's authority to impose interest charges on a federal agency and reserves its right to dispute any imposition of interest by EPA.
55. The provisions of this CAFO shall apply to and be binding upon Respondent and its successor agencies, departments or instrumentalities.
56. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
57. By signing this CAFO, Respondent certifies that as of the date of its signature on this CAFO, the nine engines identified as units G002 through G010 in Table 1 of Part 3.0 of Fort Gordon's renewal Title V permit no. 9711-245-0021-V-02-0, issued on March 9, 2010, are in compliance with Subpart ZZZZ.
58. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
59. By signing this CAFO, both parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.

60. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
61. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

G. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

62. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged above.
63. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.
64. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.
65. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws, statutes, and regulations promulgated or permits issued thereunder.
66. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

67. This CAFO constitutes a settlement by the EPA of all claims for civil penalties under 42 U.S.C. 7413, for the violations specifically alleged above. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO shall affect the right of the EPA or the United States to pursue injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO does not restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
68. The EPA reserves the right to revoke this CAFO and settlement penalty set forth herein if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

H. EFFECTIVE DATE

69. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of United States Army Signal Center and Fort Gordon Military Base, Docket No. CAA-04-2017-1500, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

July 12, 2017

DATE

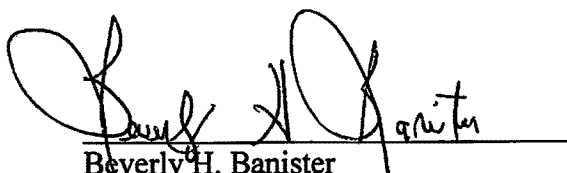


Colonel Todd Turner, Commander, Headquarters
U.S. Army Garrison, Fort Gordon
Fort Gordon, Georgia

The foregoing Consent Agreement In the Matter of United States Army Signal Center and Fort Gordon Military Base, Docket No. CAA-04-2017-1500, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

July 19, 2017
DATE

A handwritten signature in black ink, appearing to read "Beverly H. Banister", is written over a horizontal line.

Beverly H. Banister
Director
Air, Pesticides and Toxics Management Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:

United States Army, Respondent
Signal Center and Fort Gordon Military Base
Fort Gordon, Georgia

Docket No. CAA-04-2017-1500

Pursuant to 40 C.F.R. § 22.18(b) of the EPA's Consolidated Rules of Practice and section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.

July 24, 2017
DATE

Tanya Floyd
Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing "Consent Agreement" and "Final Order," in the Matter of United States Army Signal Center and Fort Gordon Military Base, Docket No. CAA-04-2017-1500, were filed and copies of the same were mailed to the parties as indicated below.

Via Certified Mail, Return Receipt Requested:

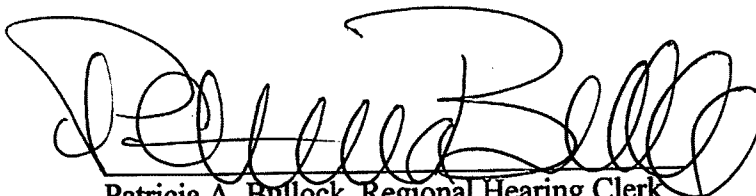
Colonel Todd Turner, Commander, Headquarters
U.S. Army Garrison, Fort Gordon
307 Chamberlain Avenue
Fort Gordon, Georgia 30905-5730

Via the EPA's internal email:

Kevin Taylor
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
taylor.kevin@epa.gov

Valerie Nowell
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
nowell.valerie@epa.gov

7-25-17
DATE



Patricia A. Bullock, Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Message

From: Doster, Kathleen [Doster.Kathleen@epa.gov]
Sent: 1/31/2017 10:08:36 PM
To: Dixon, Chelsea [Dixon.Chelsea@epa.gov]
Subject: FW: Did you see this message ? Can't tell when she sent it on my phone.

Kathleen Doster
Attorney-Advisor
U.S. Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Ave., N.W., MC 2261A
Washington, D.C. 20460
(202) 564-2573
(202) 564-0644(fax)

NOTICE: This communication may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

From: Dalzell, Sally
Sent: Tuesday, January 31, 2017 5:07 PM
To: Doster, Kathleen <Doster.Kathleen@epa.gov>
Subject: Did you see this message ? Can't tell when she sent it on my phone.

Once they have signed the MIPR – the Navy should be providing a copy to DFAS. DFAS then should initiate the IPAC to EPA, or EPA can then go and ‘pull’ the money from them. We just also need to get their ALC if EPA is going to initiate it. If they can provide a DFAS contact, I would be happy to work with them to make sure the money gets to us.

Molly

Molly Williams, Supervisor
Reimbursable Branch
US EPA/OCFO/OC/CFC/RB
26 W MLK Drive, MS-002
Cincinnati, OH 45268
513-487-2076
513-487-2063 (fax)

Hi Sally – here is some information summarizing our conversation. IPAC is a system maintained by Treasury which allows for the transfer of funds between Agencies. For Interagency agreements, 99.9% of all agreements are paid/collected through IPAC. For your CAFO with the Navy, IPAC can be another viable option for them to make this penalty payment. It can either be ‘pushed’ to EPA...meaning when DFAS goes to process the payment, they can submit through IPAC to EPA (just have them reference the CAFO number in the description), or if they attach an ‘accepted’ MIPR to the CAFO (meaning, it has been obligated), then our staff can go in and ‘pull’ the funds from them. DFAS would still have to process the payment in their system, but it allows the transfer of cash to occur as soon as it is entered in IPAC. If they want to use IPAC, EPA’s Agency

Location Code (ALC) is 68-01-0727. If they need additional information regarding IPAC, feel free to pass along my name/number to them.

Let me know if you have any other questions or need anything else!

Thanks,
Sent from my iPhone

To: Stager, Jennifer L CIV NSWC Philadelphia, 1023[jennifer.stager@navy.mil]
Cc: Dixon, Chelsea[Dixon.Chelsea@epa.gov]
From: Fenn, Anne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7991D9C2651145F5ACE7AB4C46BB0DF5-FENN, ANNE]
Sent: Thur 8/3/2017 4:00:30 PM (UTC)
Subject: RE: Stationary RICE Webinar Questions

Hi Jennifer-

In addition to Adobeconnect we also use GotoMeeting but Dept. of Defense facilities have often experienced a fire wall when it comes to accessing the presentations during the webinars.

We will try and put the webinar agenda and presentations on FedCenter - Thanks, Anne

Anne H. Fenn
Federal Facility Program Manager
RCRA, EPCRA and Federal Programs Unit
Office of Environmental Stewardship
US Environmental Protection Agency
5 Post office Sq. Suite 100, MC-OES05-1
Boston, MA 02109
617-918-1805
Fenn.Anne@epa.gov

-----Original Message-----

From: Stager, Jennifer L CIV NSWC Philadelphia, 1023 [mailto:jennifer.stager@navy.mil]
Sent: Thursday, August 03, 2017 8:59 AM
To: Fenn, Anne <fenn.anne@epa.gov>
Subject: Stationary RICE Webinar Questions

Hi Anne,

Do you know if the stationary RICE webinar training (or any EPA webinar) will be available in another format other than Adobe Connect? My command does not have Adobe Connect authorized for use, so I am not able to attend this or any other EPA webinar. Do these webinars get archived, and if so, in what format? Any information you can provide would be appreciated.

Thanks!
Jenn Stager
Environmental Engineer
Naval Surface Warfare Center - Philadelphia Division
(215) 897-2241
jennifer.stager@navy.mil

-----Original Message-----

From: sitemgr@fedcenter.gov [mailto:sitemgr@fedcenter.gov]
Sent: Saturday, July 29, 2017 5:16 AM
To: Stager, Jennifer L CIV NSWC Philadelphia, 1023
Subject: [Non-DoD Source] FedCenter Daily Newsletter

Site Logo <<https://www.fedcenter.gov/>>
FedCenter Daily Newsletter for Saturday, July 29, 2017

Events

https://www.fedcenter.gov/_storage/pages/images/pge.type.1.gif Environmental Compliance
<https://www.fedcenter.gov/programs/compliance/>

08/23/2017

National Stormwater Calculator (Web-based) <https://www.fedcenter.gov/Events/index.cfm?id=31588> (08/23/2017 from 03:00 PM - 04:00 PM) In order to reduce impairment, EPA has developed the National Stormwater Calculator (SWC) to help support local, state and national stormwater management objectives and regulatory efforts to reduce runoff through infiltration and retention using green infrastructure (infrastructure based on natural processes) practices as low impact development (LID) controls. The primary focus of the SWC is to inform site developers on how well they can meet a desired stormwater retention target with and without the use of green infrastructure. It can also be used by landscapers and homeowners. The SWC is a Windows-based desktop program that requires an internet connection. A mobile web application version that will be compatible with all operating systems will be released this fall.

https://www.fedcenter.gov/_storage/pages/images/pge.type.1.gif Home <https://www.fedcenter.gov/>
09/14/2017

Webinar - Federal Facility Clean Air Act Requirements for Stationary Reciprocating Internal Combustion Engines (Web-based) <https://www.fedcenter.gov/Events/index.cfm?id=31589> (09/14/2017 from 02:00 PM - 03:30 PM) Join EPA's National Webinar on Clean Air Act Stationary Reciprocating Internal Combustion Engine (RICE) requirements <https://www.epa.gov/stationary-engines/compliance-requirements-stationary-engines> and learn about the public health impacts of stationary RICE and emergency generators, why EPA regulates these engines, and your specific regulatory requirements as a federal facility. EPA recently settled two enforcement cases with significant penalties against federal facilities for violating the RICE regulations. EPA is conducting this webinar in order to help other regulated federal facilities better understand their responsibilities under the RICE rules. This is your opportunity to learn, and also ask EPA staff questions about these requirements. To register for the webinar, click here

https://www.fedcenter.gov/_plugins/programs/remotelink/mlink.cfm?dest=http://epawebconferencing.acm.s.com/fedfacricewebinarcaa/event/event_info.html .

https://www.fedcenter.gov/_storage/pages/images/pge.type.1.gif Training

<https://www.fedcenter.gov/training/>

08/23/2017

National Stormwater Calculator (Web-based) <https://www.fedcenter.gov/Events/index.cfm?id=31588> (08/23/2017 from 03:00 PM - 04:00 PM) In order to reduce impairment, EPA has developed the National Stormwater Calculator (SWC) to help support local, state and national stormwater management objectives and regulatory efforts to reduce runoff through infiltration and retention using green infrastructure (infrastructure based on natural processes) practices as low impact development (LID) controls. The primary focus of the SWC is to inform site developers on how well they can meet a desired stormwater retention target with and without the use of green infrastructure. It can also be used by landscapers and homeowners. The SWC is a Windows-based desktop program that requires an internet connection. A mobile web application version that will be compatible with all operating systems will be released this fall.

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Thanks for visiting FedCenter!

RCRA/3002 Compliance Report



RCRA/3002 Compliance Report for Facility: Eielson Air Force Base Policy: Audit Policy

I. General Information

1. Primary NAICS code of this facility

Air Force

2. Date of last environmental compliance inspection by local, state or federal Agency:

Year: 2017; Month: March; Day: 7

3. Last environmental compliance inspection was performed by:

Alaska Department of Environmental Conservation

4. Regulatory area covered by inspection:

Air Quality

II. Specific Noncompliance Information

Describe the violation(s).

1. Nature and description of potential violation(s):

RCRA/3002 Compliance Report

The following universal waste (UW) violations were identified during a base-wide inspection, as part of the Eielson Air Force Base (AFB) Consent Agreement & Final Order, effective March 16, 2017: Building (B) 1183: container labeling was corrected for UW containers; B1215: used lamps were accumulated past the one year accumulation time (ASD Jul 27, 2015); B3112: used lamps were accumulated over one year (ASD Mar 30, 2016) and the labeling was corrected (ASD was recorded incorrectly); B1338: lithium batteries were accumulated over one year (ASD Feb 18, 2016); B2211: used lamps were accumulated over one year (ASD Feb 22, 2016); B3109: container labeling was corrected for used battery container; B3335: two containers of used lamps were accumulated more than one year (ASD 12 and 18 May 2015) & one of the containers was open (lamps too tall for container height); B3466: container labeling was corrected for UW containers; and B6421: container labeling was corrected for UW containers.

2. Citation for the potential federal violation:

40 CFR 273.13, 40 CFR 273.14, and 40 CFR 273.15(b) and (c)

3. Regulatory citation for the state provisions where federally enforceable:

N/A

4. Permit provisions where applicable:

N/A

5. Physical location of the violation at the facility:

Buildings 1183, 1215, 3112, 1338, 2211, 3109, 3335, 3466 and 6421.

6. Date noncompliance began:

03/31/2017

7. Date of return to compliance:

04/24/2017

RCRA/3002 Compliance Report

8. Identity of Chemical/Pollutant Information, for each chemical/ pollutant you are disclosing for, specify the a.) chemical/pollutant name or trade name, CAS (Chemical Abstract Society) number, and b.) how much of that chemical/pollutant was involved, in pounds.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Mercury

a.2) CAS Number

7439-97-6

b) Amount involved

0.5 lbs.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Lithium

a.2) CAS Number

7439-93-2

b) Amount involved

0.5 lbs.

9. Provide the date and description of how the violation was corrected and how any harm was remediated. If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal, State, Local or Tribal authorities an entity may submit its compliance report without an issued permit (provided the maximum extension requests have been exhausted). Please describe the steps taken by the entity to ensure it submitted a timely complete permit application.

Attach documents supporting your actions. For example, include written

RCRA/3002 Compliance Report

confirmation from authorities that submittals (e.g., Notice of Intent (NOI), reports, etc.) were received.

As violations were identified during base-wide inspections, shops were instructed to correct them by closing containers and updating any labeling, as required. Violations were corrected on the following dates: May 2, 2017 (B1183); Apr 17, 2017 (B3112); Mar 31, 2017 (B1338); Apr 6, 2017 (B2211); Apr 26, 2017 (B3109); Apr 3, 2017 (B3335); and Apr 12, 2017 (B1215, 3466 and 6421). Shops were instructed to turn any universal waste accumulated for more than eight months into the base 90-day accumulation point, the Eielson AFB Hazardous Waste Facility (HWF), for packaging and disposal. Once waste was transferred to the HWF, it was processed for shipping and removal. Any universal waste that was accumulated past the one year accumulation start date was manifested and transported off the installation to the appropriate receiving facility on April 24, 2017, returning Eielson to compliance with 40 CFR Part 273. Above chemicals listed and amount involved is an estimate of mercury contained in the lamps and lithium contained in the batteries that were disposed. Estimates are less than one pound; however, weight on manifests includes entire lamp tube and battery containers; therefore, only a small amount of the chemical (mercury and lithium) would be present in each lamp or battery that was disposed. Attached documentation includes the letter submitted to EPA as part of the compliance verification for the Eielson AFB Consent Agreement and Final Order for reference.

10. Describe what steps were taken to prevent recurrence of the violation and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.

RCRA/3002 Compliance Report

Training requirements for both Primary and Alternate points of contacts (POCs) at all areas accumulating universal waste has been amended to include in-classroom training. Previously, training for shops generating only universal waste and empty aerosol cans was provided as a handout to be read, completed, and documented at the shop level. In-classroom training and testing will ensure that all personnel have a more thorough understanding of their requirements for managing, containerizing, tracking, and disposing of both universal and hazardous waste. Training is offered monthly for both initial and refresher courses, and is open to all personnel across the installation. Training covers management of both universal and hazardous waste, with in-classroom exercises and a written test. A course critique is also completed by students to allow continual improvement of course material and teaching style to accommodate various personnel requiring different learning styles. The training presentation is attached for reference.

Document Name

III. Audit Policy Conditions

Condition 1: Systematic Discovery of the Violation through an Environmental Audit or a Compliance Management System *

The violation was discovered as part of an Environmental Audit. (Check each box that applies; all boxes must be checked to qualify as an audit.) *

- ☒ The audit was systematic;
- ☒ The audit was documented;
- ☒ The audit was periodic and future audits are scheduled; and
- ☒ The audit was part of an objective review.

Or, the violation was discovered as a result of a Compliance Management System (CMS.) (Check each box that applies; all boxes must be checked to qualify as a

RCRA/3002 Compliance Report

CMS.) *

- ☐ Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;
- ☐ Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;
- ☐ Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the CMS, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;
- ☐ Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;
- ☐ Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and
- ☐ Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.
- ☐ Check this box if the violation was discovered in a manner other than through an Environmental Audit or a CMS, and describe the procedure used to discover the violation by using the comment boxes in Section II. Specific Noncompliance Information.

Condition 2: Voluntary Discovery *

The violation was voluntarily discovered. (1st 3 boxes or box 4 must be checked to qualify.) *

- ☐ The violation was not found through a legally required monitoring procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☐ The violation was not found through a legally required sampling procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

RCRA/3002 Compliance Report

- ☐ The violation was not found through a legally required auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☐ The violation was discovered pursuant to audits that were conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement.
- ☒ This facility does not meet Condition 2.

Condition 3: Prompt Disclosure *

- ☒ The violation was promptly disclosed within 21 days of discovery.
- ☐ This facility does not meet Condition 3.

Condition 4: Discovery and Disclosure Independent of Government or Third Party Plaintiff *

The violation was discovered and disclosed independent of Government or Third Party Plaintiff. (1st 5 boxes must be checked to qualify.) *

- ☐ The discovery and disclosure were made prior to the commencement of a Federal, State or local agency inspection or investigation, or issuance by such agency of an information request. There was no contact (e.g., letter, email, telephone inquiry, etc.) by any government or third party informing the facility of potential or actual violations, or any notification of an impending or commenced inspection prior to the disclosure.
- ☐ The disclosure was made prior to the notice of a citizen suit.
- ☐ The disclosure was made prior to the filing of a complaint by a third-party.
- ☐ The disclosure was made prior to the reporting of the violations to EPA by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity.
- ☐ The disclosure was made prior to the imminent discovery of the violations by a regulatory agency.
- ☒ This facility does not meet Condition 4.

Condition 5: Correction and Remediation (One of the first three boxes must be checked to qualify. NODs are only available if the first box is selected) *

- ☒ The violation(s) were corrected within 60 days of discovery.
- ☐ The violation(s) were corrected within 90 days of discovery, and a request for extension was made before the expiration of the 60 days, and granted in eDisclosure.

RCRA/3002 Compliance Report

☐ The violation(s) were corrected within 180 days of discovery, and a request for extension was made before the expiration of the 60 days, and justified in eDisclosure.

☐ The violation(s) has not been corrected but a timely and complete permit application has been filed with the relevant regulatory Agency, and permit issuance is pending.*

☐ This facility does not meet Condition 5.

Condition 6: Prevent Recurrence *

☒ Steps have been or will be taken to prevent a recurrence of the violation disclosed.

☐ This facility does not meet Condition 6.

Condition 7: No Repeat Violations *

The violation disclosed was not a repeat violations (1st 2 boxes must be checked to qualify) *

☒ The same or closely-related violation has not occurred previously at the same facility within the past 3 years.

☒ The same or closely-related violation has not occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same entity.

☐ This facility does not meet Condition 7.

Condition 8: Other Violations Excluded *

The violation disclosed was not an excluded violation. (1st 2 boxes must be checked to qualify.) *

☒ The violation disclosed did not result in serious actual harm, which may have presented an imminent and substantial endangerment to public health or the environment.

☒ The violation disclosed did not violate the specific terms of any order, consent agreement, or plea bargain.

☐ This facility does not meet Condition 8.

Condition 9: Cooperation *

☒ The entity has and will continue to cooperate with EPA in determining applicability of this policy.

RCRA/3002 Compliance Report

☐ This facility does not meet Condition 9.

IV. Certification

Name of individual submitting this self-disclosure:

Ariane Staples

Current date:

06/23/2017

☒ By checking this box, I, the person whose name is displayed above, am authorized to make this certification and certify under penalty of the law that this document was prepared under my direction and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy is conditioned on the truth, accuracy and completeness of this disclosure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

6/16/2017

Via Electronic Mail

Eielson Air Force Base
2310 Central Ave., Suite 100
Eielson AFB, AK 99702

In Re: Ineligibility Letter for Universal Waste Compliance

Dear Ariane Staples:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Ineligibility Letter regarding violations that you disclosed to EPA for the following facility:

RCRA/3002 Compliance Report

Eielson Air Force Base
2310 Central Ave
Eielson Afb, AK 99702

Based on the information that you certified and attested to on 6/16/2017 on behalf of Eielson Air Force Base in EPA's online eDisclosure system, this disclosure is not eligible to receive an electronic Notice of Determination (eNOD) or Acknowledgment Letter (AL). EPA hereby indicates ineligibility of your disclosure for the following violation(s):

- Resource Conservation and Recovery Act (RCRA): Standards Applicable to Generators of Hazardous Waste (3002)
 - Citation for the potential federal violation:

40 CFR 273.13, 40 CFR 273.14, and 40 CFR 273.15(b) and (c)

- Permit provisions where applicable:

N/A

- Chemical: Mercury (7439-97-6)
 - Chemical: Lithium (7439-93-2)

EPA will retain a record of the disclosure and any potential further interaction with EPA concerning this matter will occur outside the eDisclosure system. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

/s/

Director, Office of Civil Enforcement



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

6/16/2017

Via Electronic Mail

Eielson Air Force Base
2310 Central Ave., Suite 100
Eielson AFB, AK 99702

In Re: Ineligibility Letter for Universal Waste Compliance

Dear Ariane Staples:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Ineligibility Letter regarding violations that you disclosed to EPA for the following facility:

Eielson Air Force Base
2310 Central Ave
Eielson Afb, AK 99702

Based on the information that you certified and attested to on 6/16/2017 on behalf of Eielson Air Force Base in EPA's online eDisclosure system, this disclosure is not eligible to receive an electronic Notice of Determination (eNOD) or Acknowledgment Letter (AL). EPA hereby indicates ineligibility of your disclosure for the following violation(s):

Resource Conservation and Recovery Act (RCRA): Standards Applicable to Generators of Hazardous Waste (3002)

- Citation for the potential federal violation:

40 CFR 273.13, 40 CFR 273.14, and 40 CFR 273.15(b) and (c)

- Permit provisions where applicable:

N/A

- Chemical: Mercury (7439-97-6)
- Chemical: Lithium (7439-93-2)

EPA will retain a record of the disclosure and any potential further interaction with EPA concerning this matter will occur outside the eDisclosure system. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

/s/

Director, Office of Civil Enforcement

CROMERR Signature ID: _a941d525-
e889-4f96-a50c-954776daffc4

RCRA/3002 Compliance Report



RCRA/3002 Compliance Report for Facility: Eielson Air Force Base Policy: Audit Policy

I. General Information

1. Primary NAICS code of this facility

Air Force

2. Date of last environmental compliance inspection by local, state or federal Agency:

Year: 2017; Month: March; Day: 7

3. Last environmental compliance inspection was performed by:

Alaska Department of Environmental Conservation

4. Regulatory area covered by inspection:

Air Quality

II. Specific Noncompliance Information

Describe the violation(s).

1. Nature and description of potential violation(s):

RCRA/3002 Compliance Report

On March 23, 2017 a technician at the Dental Clinic was performing a procedure with a dental filling kit containing mercury. When puncturing a 400 mg mercury capsule, the mercury spilled onto the stainless steel tray lined with paper. The technician tried to stop the mercury from spreading by using their gloved hands to contain the spill & then used the vacuum unit to collect all visible mercury on the tray. However, the paper on the tray & the rubber gloves that the technician was wearing were improperly disposed of in the trash can, ending up at the local municipal solid waste landfill. The mercury spill kit was not used to capture the waste & the waste was not turned into the base Hazardous Waste Facility for sampling. Although no visible mercury remained on the paper liner & gloves, without a sample, it is unknown if the waste exceeded the regulatory limit for mercury, 0.2 mg/L, characterizing it as EPA hazardous waste for mercury, D009.

2. Citation for the potential federal violation:

40 CFR 261.24 and/or 262.11

3. Regulatory citation for the state provisions where federally enforceable:

N/A

4. Permit provisions where applicable:

N/A

5. Physical location of the violation at the facility:

Dental Clinic, Bldg. 3349, 2630 Central Ave.

6. Date noncompliance began:

03/23/2017

7. Date of return to compliance:

03/24/2017

8. Identity of Chemical/Pollutant Information, for each chemical/ pollutant you are disclosing for, specify the a.) chemical/pollutant name or trade

RCRA/3002 Compliance Report

name, CAS (Chemical Abstract Society) number, and b.) how much of that chemical/pollutant was involved, in pounds.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Mercury

a.2) CAS Number

7439-97-6

b) Amount involved

0.5 lbs.

9. Provide the date and description of how the violation was corrected and how any harm was remediated. If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal, State, Local or Tribal authorities an entity may submit its compliance report without an issued permit (provided the maximum extension requests have been exhausted). Please describe the steps taken by the entity to ensure it submitted a timely complete permit application.

Attach documents supporting your actions. For example, include written confirmation from authorities that submittals (e.g., Notice of Intent (NOI), reports, etc.) were received.

RCRA/3002 Compliance Report

The technician used a RAMVAC vacuum unit, with a vacuum strength of 8.3" Hg, to remove all visible signs of mercury on the tray. Mercury collected by the vacuum is captured in a mercury trap and properly disposed of, as required. Suction strength for the unit was determined by the recommended settings based on the maximum lift height of 8 feet for the unit (Atch 1). The Dental Clinic reported the spill to 354 CES/CEIE, Environmental Element, on March 24, 2017 and subsequently 354 CES/CEIE reported the spill to the Alaska Department of Environmental Conservation Prevention, Preparedness and Response Program the same day (Atch 2). By the time the spill was reported to the Environmental Element, however, the paper and gloves that were potentially contaminated with mercury were improperly disposed of in the trash, and subsequently emptied into the dumpster outside of the facility. The refuse contractor had already emptied the dumpster outside of the facility at the Fairbanks North Star Borough Municipal Solid Waste Landfill, rendering the waste irretrievable. Dumpsters outside of the Clinic are emptied five days a week by the refuse contractor, Monday through Friday. Based on the Safety Data Sheet (SDS) for the capsule (Atch 3), quantity of the mercury involved was estimated at 0.00088185 lbs; amount involved listed above in 8b was entered as 0.5 lb (minimum required for the form). The Environmental Element instructed the shop to ensure that the mercury spill kit located at the shop is used in the event of a spill for any waste material that comes in contact with materials containing mercury, regardless of visible signs of mercury. Bioenvironmental Engineering, the shop responsible for oversight of worker protection and exposure, stated that additional training on spill procedures was provided at the shop to ensure that waste material is collected, containerized, and properly disposed of through the Hazardous Waste Facility, as necessary.

10. Describe what steps were taken to prevent recurrence of the violation

RCRA/3002 Compliance Report

and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.

Bioenvironmental Engineering confirmed that a mercury spill kit is located at the shop with appropriate personal protective equipment to be used in the event of a spill. Proper procedures for spill cleanup were reviewed at the shop level to ensure all personnel are aware of the need to capture, containerize, and properly dispose of materials that come into contact with mercury through the installation Hazardous Waste Facility. Following existing standard operating procedures for industrial processes at the shop will help ensure that spills are minimized. When spills do occur, waste will be collected, containerized, and sampled, to ensure a waste profile is created to determine proper disposal of any waste generated. USAF guidance on dental mercury hygiene recommendations per the American Dental Association is attached for reference (Atch 4). Relevant topics related to spills and disposal are highlighted. Personnel completed training following the spill to prevent recurrence of a similar violation.

Document Name

III. Audit Policy Conditions

Condition 1: Systematic Discovery of the Violation through an Environmental Audit or a Compliance Management System *

The violation was discovered as part of an Environmental Audit. (Check each box that applies; all boxes must be checked to qualify as an audit.) *

- ☐ The audit was systematic;
- ☐ The audit was documented;
- ☐ The audit was periodic and future audits are scheduled; and
- ☐ The audit was part of an objective review.

RCRA/3002 Compliance Report

Or, the violation was discovered as a result of a Compliance Management System (CMS.) (Check each box that applies; all boxes must be checked to qualify as a CMS.) *

- ☒ Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;
- ☒ Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;
- ☒ Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the CMS, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;
- ☒ Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;
- ☒ Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and
- ☒ Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.
- ☐ Check this box if the violation was discovered in a manner other than through an Environmental Audit or a CMS, and describe the procedure used to discover the violation by using the comment boxes in Section II. Specific Noncompliance Information.

Condition 2: Voluntary Discovery *

The violation was voluntarily discovered. (1st 3 boxes or box 4 must be checked to qualify.) *

- ☒ The violation was not found through a legally required monitoring procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☒ The violation was not found through a legally required sampling procedure

RCRA/3002 Compliance Report

that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☒ The violation was not found through a legally required auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☐ The violation was discovered pursuant to audits that were conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement.

☐ This facility does not meet Condition 2.

Condition 3: Prompt Disclosure *

☒ The violation was promptly disclosed within 21 days of discovery.

☐ This facility does not meet Condition 3.

Condition 4: Discovery and Disclosure Independent of Government or Third Party Plaintiff *

The violation was discovered and disclosed independent of Government or Third Party Plaintiff. (1st 5 boxes must be checked to qualify.) *

☒ The discovery and disclosure were made prior to the commencement of a Federal, State or local agency inspection or investigation, or issuance by such agency of an information request. There was no contact (e.g., letter, email, telephone inquiry, etc.) by any government or third party informing the facility of potential or actual violations, or any notification of an impending or commenced inspection prior to the disclosure.

☒ The disclosure was made prior to the notice of a citizen suit.

☒ The disclosure was made prior to the filing of a complaint by a third-party.

☒ The disclosure was made prior to the reporting of the violations to EPA by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity.

☒ The disclosure was made prior to the imminent discovery of the violations by a regulatory agency.

☐ This facility does not meet Condition 4.

Condition 5: Correction and Remediation (One of the first three boxes must be checked to qualify. NODs are only available if the first box is selected) *

☒ The violation(s) were corrected within 60 days of discovery.

RCRA/3002 Compliance Report

- ☐ The violation(s) were corrected within 90 days of discovery, and a request for extension was made before the expiration of the 60 days, and granted in eDisclosure.
- ☐ The violation(s) were corrected within 180 days of discovery, and a request for extension was made before the expiration of the 60 days, and justified in eDisclosure.
- ☐ The violation(s) has not been corrected but a timely and complete permit application has been filed with the relevant regulatory Agency, and permit issuance is pending.*
- ☐ This facility does not meet Condition 5.

Condition 6: Prevent Recurrence *

- ☒ Steps have been or will be taken to prevent a recurrence of the violation disclosed.
- ☐ This facility does not meet Condition 6.

Condition 7: No Repeat Violations *

The violation disclosed was not a repeat violations (1st 2 boxes must be checked to qualify) *

- ☒ The same or closely-related violation has not occurred previously at the same facility within the past 3 years.
- ☐ The same or closely-related violation has not occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same entity.
- ☐ This facility does not meet Condition 7.

Condition 8: Other Violations Excluded *

The violation disclosed was not an excluded violation. (1st 2 boxes must be checked to qualify.) *

- ☒ The violation disclosed did not result in serious actual harm, which may have presented an imminent and substantial endangerment to public health or the environment.
- ☐ The violation disclosed did not violate the specific terms of any order, consent agreement, or plea bargain.
- ☐ This facility does not meet Condition 8.

RCRA/3002 Compliance Report

Condition 9: Cooperation *

- ☒ The entity has and will continue to cooperate with EPA in determining applicability of this policy.
- ☐ This facility does not meet Condition 9.

IV. Certification

Name of individual submitting this self-disclosure:

Ariane Staples

Current date:

05/19/2017

☒ By checking this box, I, the person whose name is displayed above, am authorized to make this certification and certify under penalty of the law that this document was prepared under my direction and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy is conditioned on the truth, accuracy and completeness of this disclosure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

5/8/2017

Via Electronic Mail

Eielson Air Force Base
2310 Central Ave., Suite 100
Eielson AFB, AK 99702

In Re: Ineligibility Letter for Mercury Spill - Improper Disposal

Dear Ariane Staples:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-

RCRA/3002 Compliance Report

Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Ineligibility Letter regarding violations that you disclosed to EPA for the following facility:

Eielson Air Force Base
2310 Central Ave
Eielson Afb, AK 99702

Based on the information that you certified and attested to on 5/8/2017 on behalf of Eielson Air Force Base in EPA's online eDisclosure system, this disclosure is not eligible to receive an electronic Notice of Determination (eNOD) or Acknowledgment Letter (AL). EPA hereby indicates ineligibility of your disclosure for the following violation(s):

- Resource Conservation and Recovery Act (RCRA): Standards Applicable to Generators of Hazardous Waste (3002)
 - Citation for the potential federal violation:

40 CFR 261.24 and/or 262.11

- Permit provisions where applicable:

N/A

- Chemical: Mercury (7439-97-6)

EPA will retain a record of the disclosure and any potential further interaction with EPA concerning this matter will occur outside the eDisclosure system. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

/s/

Director, Office of Civil Enforcement



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

5/8/2017

Via Electronic Mail

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2310 Central Ave., Suite 100
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/s/

Director, Office of Civil Enforcement

CROMERR Signature ID: _77da2739-
f37b-46ff-887c-3fd3ab9557f7

Message

From: Williams, Molly [williams.molly@epa.gov]
Sent: 2/2/2017 8:41:39 PM
To: Garvey, Melanie [Garvey.Melanie@epa.gov]
CC: Vidargas, Nick [Vidargas.Nick@epa.gov]; Doster, Kathleen [Doster.Kathleen@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]
Subject: RE: FOUO\FW: JBER - follow up

Hi Melanie – sure, he can give me a call. I'm not sure how much the penalty is, but he can also pay with a credit card, through pay.gov, or through an IPAC (but usually that would be done through a DFAS office).

Thanks!
Molly

Molly Williams, Supervisor
Reimbursable Branch
US EPA/OCFO/OC/CFC/RB
26 W MLK Drive, MS-002
Cincinnati, OH 45268
513-487-2076
513-487-2063 (fax)

From: Garvey, Melanie
Sent: Thursday, February 02, 2017 3:27 PM
To: Williams, Molly <williams.molly@epa.gov>
Cc: Vidargas, Nick <Vidargas.Nick@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>; Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: Fw: FOUO\FW: JBER - follow up

Hi Ms Williams-

I am a co-worker of Kathleen Doster's in OECA/FFEO who is working with Region 10 on the settlement of a case in which the Air National Guard (part of the Air Force) is going to pay a penalty to EPA. The Guard's finance point of contact, Captain David Victory, asked if he could contact someone in the financing department of EPA on how best to pay the penalty. See his message below. Would it be okay if we gave him your name and contact information? Or can you give us a person on your staff he could contact?

Thank you very much!

Melanie Garvey

Chemical Engineer
EPA/OECA/FFEO
202-564-2579 (office)

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disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

From: Vidargas, Nick
Sent: Thursday, February 2, 2017 3:09 PM
To: Garvey, Melanie
Subject: FW: FOUO\FW: JBER - follow up

Hey Melanie,

This just came in from the Air National Guard. They apparently have no dispensation (?) office so aren't sure how they would pay a penalty. See below, he says they do not have the ability to pay with a check or ACH. Do we have other mechanisms we've used with national guard enforcement? Any thoughts?

-Nick

-----Original Message-----

From: VICTORY, DAVID A Capt USAF ANG 176 CPTF/FMA
[mailto:david.victory@us.af.mil]
Sent: Thursday, February 02, 2017 12:00 PM
To: Vidargas, Nick <Vidargas.Nick@epa.gov>
Cc: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC <amy.carle@us.af.mil>; HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR <jason.hull.3@us.af.mil>; LARSON, KASS W Lt Col USAF ANG 176 CES/CC <kass.larson.2@us.af.mil>
Subject: FW: FOUO\FW: JBER - follow up

Mr. Vidargas,

I hope contacting you directly is alright, however, I am the finance POC in the ANG that will be working the payment of our fine.

Your original email said that you would be checking with the federal facilities office for more info. Is there any additional info from them regarding the payment?

I am hoping that I can contact someone in the accounting or budget office of the EPA since we are a DoD agency using appropriated funds to pay this fine and we do not have the ability to pay with check or ACH at this time.

Also, I updated this from below:
Respondent Air National Guard's Treasury Account Symbol is "57 3840"- (As far as I understand, this is our TAS.) Inquiries concerning this payment can be

made to Capt David Victory. Capt David Victory can be contacted at david.victory@us.af.mil or 907-551-0156.

I appreciate you time and help with this. Thank you.

//SIGNED//

David Victory, Capt, AKANG
Budget Officer - 176 CPTF - AK
17441 Airlifter Dr, JBER, AK

OE: F41A3 / ASN: A3 MPF: A4
DSN 317-551-0156 / Comm 907-551-0156
Customer Service 551-0129
Email: david.victory@us.af.mil

-----Original Message-----

From: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC
Sent: Thursday, February 02, 2017 8:29 AM
To: VICTORY, DAVID A Capt USAF ANG 176 CPTF/FMA <david.victory@us.af.mil>
Subject: FOUO\FW: JBER - follow up

This e-mail contains FOR OFFICIAL USE ONLY (FOUO)

Morning David,

Please start at the bottom email and work up. Are you able to provide the requested info?

Thank you,

Amy

//SIGNED//

AMY J. CARLE, Lt Col, AKANG
176 CPTF/CC
17441 Airlifter Dr
JBER, AK 99506
ASN: A3 MPF: A4
Comm: 907.551.0158 (DSN: 317)
Cell: 907.830.6755
amy.carle@us.af.mil

-----Original Message-----

From: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR
Sent: Thursday, February 02, 2017 8:15 AM
To: CARLE, AMY J Lt Col USAF ANG 176 CPTF/CC <amy.carle@us.af.mil>
Cc: LARSON, KASS W Lt Col USAF ANG 176 CES/CC <kass.larson.2@us.af.mil>
Subject: FW: JBER - follow up

Ma'am:

Lt Col Larsen provided me with your contact information as a good POC to obtain payment information for the CA/FO. Specifically, EPA has requested the following fill in the blanks from the 176 ANG:

"Respondents must note on the checks the title and docket number of this action. Respondent Air National Guard's Treasury Account Symbol is [Fill in]. Inquiries concerning this payment can be made to [ANG Contact]. [ANG Contact] can be contacted at [Fill in]."

If you have any questions, please let me know. Thank you in advance, ma'am!

v/r,

JASON R. HULL, Major, USAF
Regional Counsel, AFLOA/JACE-WR
510 Hickam Ave.
Bldg 250, Bay A
Travis AFB, CA 94535

DSN 837-8288
COMM 707-424-8288

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-----Original Message-----

From: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR
Sent: Tuesday, January 31, 2017 11:04 AM
To: CHAMBERS, RANDY S GS-15 USAF NGB ANG READINESS FO/NCR
<randy.chambers@us.af.mil>
Cc: VECERA, DAVID R GS-15 USAF HAF AF LEGAL OP AGENCY FO/JACE
<david.vecera@us.af.mil>
Subject: FW: JBER - follow up

Sir:

Do you have a POC in the ANG comptroller's office that can fill in the blanks on the below information regarding payment if the ANG agrees to be added as a signatory? Essentially, they are looking for a fill-in the blank of the following:

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If you have any questions, please let me know. Thank you, sir!

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JASON R. HULL, Major, USAF
Regional Counsel, AFLOA/JACE-WR
510 Hickam Ave.
Bldg 250, Bay A
Travis AFB, CA 94535
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From: Vidargas, Nick [<mailto:Vidargas.Nick@epa.gov>]
Sent: Tuesday, January 31, 2017 11:00 AM
To: HULL, JASON R Maj USAF AFLOA AFCEC/JACE-WR <jason.hull.3@us.af.mil>
Subject: JBER - follow up

Thanks for the call today, Jason. Here's the section that the ANG will need to fill in. We need their Treasury Account Symbol (though I'm not sure if this applies since they are a state/federal entity, right?), and their contact info. I'll double check with our federal facilities office if they

have any input.

4.1. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment> <<http://www2.epa.gov/financial/makepayment>> . Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency

Fines and Penalties

Cincinnati Finance Center

P.O. Box 979077

St. Louis, Missouri 63197-9000

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Nicholas Vidargas

Assistant Regional Counsel

Office of Regional Counsel

United States Environmental Protection Agency, Region 10

1200 6th Ave, Suite 900

Mail Stop: ORC-113

P: (206) 553-1460

F: (206) 553-1762

Vidargas.Nick@epa.gov <<mailto:Vidargas.Nick@epa.gov>>

Message

From: Garvey, Melanie [Garvey.Melanie@epa.gov]
Sent: 2/2/2017 8:27:22 PM
To: Williams, Molly [williams.molly@epa.gov]
CC: Vidargas, Nick [Vidargas.Nick@epa.gov]; Doster, Kathleen [Doster.Kathleen@epa.gov]; Pendleton, Gracie [Pendleton.Gracie@epa.gov]
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David Victory, Capt, AKANG
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Bldg 250, Bay A
Travis AFB, CA 94535
DSN 837-8288
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<http://www2.epa.gov/financial/makepayment>
<<http://www2.epa.gov/financial/makepayment>>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency

Fines and Penalties

Cincinnati Finance Center

P.O. Box 979077

St. Louis, Missouri 63197-9000

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Contact] can be contacted at [Fill in].

Nicholas Vidargas

Assistant Regional Counsel

Office of Regional Counsel

United States Environmental Protection Agency, Region 10

1200 6th Ave, Suite 900

Mail Stop: ORC-113

P: (206) 553-1460

F: (206) 553-1762

Vidargas.Nick@epa.gov <<mailto:Vidargas.Nick@epa.gov>>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

4/6/2017

Via Electronic Mail

Eielson Air Force Base
2310 Central Ave., Suite 100
Eielson AFB, AK 99702

In Re: Acknowledgment Letter for Military Privatized Housing - Wood Stain

Dear Ariane Staples:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Acknowledgment Letter regarding violations that you disclosed to EPA for the following facility:

Eielson Air Force Base
2310 Central Ave
Eielson Afb, AK 99702

As an incentive for regulated entities to disclose violations that they discover, EPA may eliminate the gravity-based component of civil penalties, and waive any insignificant economic benefit component, where the voluntarily disclosed violations meet the conditions specified in the Audit Policy. EPA's streamlined implementation of this self-disclosure policy provides for self-disclosed violations to be submitted and processed through its "eDisclosure" online system.

Based on the information that you certified and attested to on 4/6/2017 on behalf of Eielson Air Force Base in EPA's online eDisclosure system, EPA hereby acknowledges receipt of your disclosure for the following violation(s):

Resource Conservation and Recovery Act (RCRA): Standards Applicable to
Generators of Hazardous Waste (3002)

- Citation for the potential federal violation:

40 CFR Part 262.34

- Permit provisions where applicable:

N/A

- Chemical: Medium aliphatic solvent naphtha (petroleum) (64742-88-7)
- Chemical: Hydrotreated light distillates (petroleum) (64742-47-8)
- Chemical: N-Methyl-2-pyrrolidone (872-50-4)
- Chemical: Carbon black (1333-86-4)

This letter does not resolve the above violations. If EPA considers taking an enforcement response regarding this matter, it will determine at that time whether you are eligible for penalty mitigation. In the event that EPA determines that your eDisclosure does not meet the conditions of the Audit Policy, the Agency may assess penalties in accordance with applicable statutes, regulations, and EPA's enforcement response or penalty policies. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

Again, thank you for your disclosure. We appreciate the efforts of the regulated community to discover, promptly disclose, expeditiously correct, and prevent the recurrence of future violations.

/s/

Director, Office of Civil Enforcement

CROMERR Signature ID: _af36f424-f32a-4ea0-b945-437c07478f16

RCRA/3002 Compliance Report



RCRA/3002 Compliance Report for Facility: Eielson Air Force Base Policy: Audit Policy

I. General Information

1. Primary NAICS code of this facility

Air Force

2. Date of last environmental compliance inspection by local, state or federal Agency:

Year: 2017; Month: March; Day: 7

3. Last environmental compliance inspection was performed by:

Alaska Department of Environmental Conservation

4. Regulatory area covered by inspection:

Air Quality

II. Specific Noncompliance Information

Describe the violation(s).

1. Nature and description of potential violation(s):

RCRA/3002 Compliance Report

During quarterly inspection of the Corvias Maintenance Shop to complete the Compliance Checklist, 354 CES/CEIE, Environmental Element, identified a one gallon can of Minwax Wood Finish (approximately half full) with an accumulation start date of 16 November 2016. After reviewing the Safety Data Sheet, it was determined that the wood finish had a flash point of 118.4 degrees Fahrenheit, making it hazardous waste, EPA ignitable, D001. Per EPA's letter, dated November 2, 2016, Corvias Air Force Living, the military privatized housing lessee, was directed to use Eielson Air Force Base's EPA identification number as a co-generator with the base. Based on this determination, the hazardous waste referenced above exceeded the 90-day accumulation time, as required for large quantity generators. Once materials were identified, a profile and expedited removal of the waste was requested. Wastes were removed from the installation on April 3, 2017, returning the base to compliance.

2. Citation for the potential federal violation:

40 CFR Part 262.34

3. Regulatory citation for the state provisions where federally enforceable:

N/A

4. Permit provisions where applicable:

N/A

5. Physical location of the violation at the facility:

Corvias Maintenance Shop, Bldg. 3334, 2571 Arctic Ave.

6. Date noncompliance began:

02/13/2017

7. Date of return to compliance:

04/3/2017

8. Identity of Chemical/Pollutant Information, for each chemical/ pollutant

RCRA/3002 Compliance Report

you are disclosing for, specify the a.) chemical/pollutant name or trade name, CAS (Chemical Abstract Society) number, and b.) how much of that chemical/pollutant was involved, in pounds.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Medium aliphatic solvent naphtha (petroleum)

a.2) CAS Number

64742-88-7

b) Amount involved

4 lbs.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Hydrotreated light distillates (petroleum)

a.2) CAS Number

64742-47-8

b) Amount involved

0.05 lbs.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

N-Methyl-2-pyrrolidone

a.2) CAS Number

872-50-4

RCRA/3002 Compliance Report

b) Amount involved

0.01 lbs.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Carbon black

a.2) CAS Number

1333-86-4

b) Amount involved

0.01 lbs.

9. Provide the date and description of how the violation was corrected and how any harm was remediated. If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal, State, Local or Tribal authorities an entity may submit its compliance report without an issued permit (provided the maximum extension requests have been exhausted). Please describe the steps taken by the entity to ensure it submitted a timely complete permit application.

Attach documents supporting your actions. For example, include written confirmation from authorities that submittals (e.g., Notice of Intent (NOI), reports, etc.) were received.

RCRA/3002 Compliance Report

Following the inspection, review of the SDS, and confirmation that the wood finish required disposal as hazardous waste (EPA Ignitable, D001), Corvias was instructed by 354 CES/CEIE that the waste required immediate removal from the installation. Corvias contacted their subcontractor for hazardous waste disposal, NRC Alaska LLC, to profile and remove the waste, and transport it to the proper disposal facility. Waste was removed by the transporter on April 3, 2017. The hazardous waste manifest lists 50 lbs of waste shipped under D001, as the wood finish was lab packed by the transporter into a 10 gallon container with Oil-Dri absorbent. Safety Data Sheet and Hazardous Waste Manifest is attached for reference.

10. Describe what steps were taken to prevent recurrence of the violation and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.

RCRA/3002 Compliance Report

354 CES/CEIE identified corrections needed at the facility during the inspection and revisited the site on March 22, 2017 and again on March 23, 2016 to ensure that corrections were complete, container labeling and log sheets were correct, and that wastes were separated appropriately. Additionally, two personnel from the maintenance shop attended the in-classroom hazardous waste training for contractors provided by 354 CES/CEIE on March 20, 2017. Mr. Lammers is the Maintenance Manager at the facility and Mr. McMillian is one of the maintenance shop personnel. Training included proper management of hazardous waste, universal waste, and non-hazardous waste. Training certificates and the training presentation are attached for reference. A follow on meeting with Corvias and 354 CES/CEIE personnel occurred on April 4, 2017 to ensure both parties are engaged in open communication and understanding to help alleviate problems in the future. Two additional personnel with Corvias will attend the in-classroom hazardous waste training on April 20, 2017. With the change in Corvias Maintenance Shop management of hazardous waste from a Conditionally Exempt Small Quantity Generator to operating as a Large Quantity Generator, training and inspections will limit future violations.

Document Name

III. Audit Policy Conditions

Condition 1: Systematic Discovery of the Violation through an Environmental Audit or a Compliance Management System *

The violation was discovered as part of an Environmental Audit. (Check each box that applies; all boxes must be checked to qualify as an audit.) *

- ☒ The audit was systematic;
- ☒ The audit was documented;

RCRA/3002 Compliance Report

- ☒ The audit was periodic and future audits are scheduled; and
- ☒ The audit was part of an objective review.

Or, the violation was discovered as a result of a Compliance Management System (CMS.) (Check each box that applies; all boxes must be checked to qualify as a CMS.) *

- ☐ Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;
- ☐ Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;
- ☐ Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the CMS, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;
- ☐ Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;
- ☐ Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and
- ☐ Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.
- ☐ Check this box if the violation was discovered in a manner other than through an Environmental Audit or a CMS, and describe the procedure used to discover the violation by using the comment boxes in Section II. Specific Noncompliance Information.

Condition 2: Voluntary Discovery *

The violation was voluntarily discovered. (1st 3 boxes or box 4 must be checked to qualify.) *

- ☒ The violation was not found through a legally required monitoring

RCRA/3002 Compliance Report

procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☒ The violation was not found through a legally required sampling procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☒ The violation was not found through a legally required auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☐ The violation was discovered pursuant to audits that were conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement.

☐ This facility does not meet Condition 2.

Condition 3: Prompt Disclosure *

☒ The violation was promptly disclosed within 21 days of discovery.

☐ This facility does not meet Condition 3.

Condition 4: Discovery and Disclosure Independent of Government or Third Party Plaintiff *

The violation was discovered and disclosed independent of Government or Third Party Plaintiff. (1st 5 boxes must be checked to qualify.) *

☒ The discovery and disclosure were made prior to the commencement of a Federal, State or local agency inspection or investigation, or issuance by such agency of an information request. There was no contact (e.g., letter, email, telephone inquiry, etc.) by any government or third party informing the facility of potential or actual violations, or any notification of an impending or commenced inspection prior to the disclosure.

☒ The disclosure was made prior to the notice of a citizen suit.

☒ The disclosure was made prior to the filing of a complaint by a third-party.

☒ The disclosure was made prior to the reporting of the violations to EPA by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity.

☒ The disclosure was made prior to the imminent discovery of the violations by a regulatory agency.

☐ This facility does not meet Condition 4.

RCRA/3002 Compliance Report

Condition 5: Correction and Remediation (One of the first three boxes must be checked to qualify. NODs are only available if the first box is selected) *

- ☒ The violation(s) were corrected within 60 days of discovery.
- ☐ The violation(s) were corrected within 90 days of discovery, and a request for extension was made before the expiration of the 60 days, and granted in eDisclosure.
- ☐ The violation(s) were corrected within 180 days of discovery, and a request for extension was made before the expiration of the 60 days, and justified in eDisclosure.
- ☐ The violation(s) has not been corrected but a timely and complete permit application has been filed with the relevant regulatory Agency, and permit issuance is pending.*
- ☐ This facility does not meet Condition 5.

Condition 6: Prevent Recurrence *

- ☒ Steps have been or will be taken to prevent a recurrence of the violation disclosed.
- ☐ This facility does not meet Condition 6.

Condition 7: No Repeat Violations *

The violation disclosed was not a repeat violations (1st 2 boxes must be checked to qualify) *

- ☒ The same or closely-related violation has not occurred previously at the same facility within the past 3 years.
- ☒ The same or closely-related violation has not occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same entity.
- ☐ This facility does not meet Condition 7.

Condition 8: Other Violations Excluded *

The violation disclosed was not an excluded violation. (1st 2 boxes must be checked to qualify.) *

- ☒ The violation disclosed did not result in serious actual harm, which may have presented an imminent and substantial endangerment to public health or the environment.
- ☒ The violation disclosed did not violate the specific terms of any order,

RCRA/3002 Compliance Report

consent agreement, or plea bargain.

☐ This facility does not meet Condition 8.

Condition 9: Cooperation *

☒ The entity has and will continue to cooperate with EPA in determining applicability of this policy.

☐ This facility does not meet Condition 9.

IV. Certification

Name of individual submitting this self-disclosure:

Ariane Staples

Current date:

04/11/2017

☒ By checking this box, I, the person whose name is displayed above, am authorized to make this certification and certify under penalty of the law that this document was prepared under my direction and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy is conditioned on the truth, accuracy and completeness of this disclosure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

4/6/2017

Via Electronic Mail

Eielson Air Force Base
2310 Central Ave., Suite 100
Eielson AFB, AK 99702

In Re: Acknowledgment Letter for Military Privatized Housing - Wood Stain

RCRA/3002 Compliance Report

Dear Ariane Staples:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Acknowledgment Letter regarding violations that you disclosed to EPA for the following facility:

Eielson Air Force Base
2310 Central Ave
Eielson Afb, AK 99702

As an incentive for regulated entities to disclose violations that they discover, EPA may eliminate the gravity-based component of civil penalties, and waive any insignificant economic benefit component, where the voluntarily disclosed violations meet the conditions specified in the Audit Policy. EPA's streamlined implementation of this self-disclosure policy provides for self-disclosed violations to be submitted and processed through its "eDisclosure" online system.

Based on the information that you certified and attested to on 4/6/2017 on behalf of Eielson Air Force Base in EPA's online eDisclosure system, EPA hereby acknowledges receipt of your disclosure for the following violation(s):

- Resource Conservation and Recovery Act (RCRA): Standards Applicable to Generators of Hazardous Waste (3002)

- Citation for the potential federal violation:

40 CFR Part 262.34

- Permit provisions where applicable:

N/A

- Chemical: Medium aliphatic solvent naphtha (petroleum) (64742-88-7)
 - Chemical: Hydrotreated light distillates (petroleum) (64742-47-8)
 - Chemical: N-Methyl-2-pyrrolidone (872-50-4)
 - Chemical: Carbon black (1333-86-4)

This letter does not resolve the above violations. If EPA considers taking an enforcement response regarding this matter, it will determine at that time whether you are eligible for penalty mitigation. In the event that EPA determines that your eDisclosure does not meet the conditions of the Audit Policy, the Agency may

RCRA/3002 Compliance Report

assess penalties in accordance with applicable statutes, regulations, and EPA's enforcement response or penalty policies. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

Again, thank you for your disclosure. We appreciate the efforts of the regulated community to discover, promptly disclose, expeditiously correct, and prevent the recurrence of future violations.

/s/

Director, Office of Civil Enforcement

Message

From: Doster, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EE143E2AC8D8474488A6E2B5608EC8D0-KDOSTER]
Sent: 6/12/2017 12:25:29 PM
To: Garvey, Melanie [Garvey.Melanie@epa.gov]
Subject: FW: Response due noon Tue. 6/13: Superfund Penalties for HASC

Hi, let me know if you'd like to talk through this.

Kathleen Doster
Attorney-Advisor
U.S. Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Ave., N.W., MC 2261A
Washington, D.C. 20460
(202) 564-2573
(202) 564-0644(fax)

NOTICE: This communication may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, or received this communication in error, please delete the copy you received, and do not disseminate, distribute, or otherwise use the information in this communication.

From: Dalzell, Sally
Sent: Friday, June 09, 2017 12:22 PM
To: Garvey, Melanie <Garvey.Melanie@epa.gov>; Doster, Kathleen <Doster.Kathleen@epa.gov>
Cc: Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>
Subject: Fwd: Response due noon Tue. 6/13: Superfund Penalties for HASC

Mel:

Would you write a summary of Umatilla? Due Tuesday.

Pls see below.

It is a one-time payment.

They also ask where is Army in complying with the settlement so maybe you and Kathleen can come up with a way to answer that?

Thank you.

Sally

Sent from my iPhone

Begin forwarded message:

From: "Leff, Karin" <Leff.Karin@epa.gov>
Date: June 9, 2017 at 11:49:58 AM EDT
To: "Folkemer, Nathaniel" <Folkemer.Nathaniel@epa.gov>
Cc: "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Muller, Marie" <MULLER.MARIE@EPA.GOV>, "Pendleton, Gracie" <Pendleton.Gracie@epa.gov>, "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Ingram,

Amir" <Ingram.Amir@epa.gov>

Subject: Re: Response due noon Tue. 6/13: Superfund Penalties for HASC

Will do

Sent from my iPhone

On Jun 9, 2017, at 11:15 AM, Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov> wrote:

FFEO,

I believe you reviewed these two proposals back in April as part of the NDAA legislative proposals # 29 and 30 and said the proposals relate to stipulated penalties. Can you please review the three questions below from the House Armed Services Committee and provide a response by Noon on Tuesday June 13th.

Nate

From: Janifer, Pamela

Sent: Friday, June 09, 2017 11:02 AM

To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>

Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>

Subject: Superfund Penalties for HASC

All -

T&I staff are looking for background on two sites. Attached are the payments for the superfund sites that are proposed to be included this year.

Q: Are these ongoing payments or is this like a onetime payment?

Q: How close are these to meeting the obligations under the settlement?

Q: Provide any general background about cleanup of the site.

Quick Summaries

65756 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Longhorn Army Ammunition Plant, Texas
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency against Longhorn Army Ammunition Plant, Texas under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1991. This section was requested by the Department of Defense.

65755 – Payment to Environmental Protection Agency of a Stipulated Penalty in Connection with Umatilla Chemical Depot, Oregon
This section would authorize the Secretary of the Army to transfer a specified amount to the Hazardous Substance Superfund to satisfy a stipulated penalty assessed by the Environmental Protection Agency

against the Umatilla Chemical Depot, Oregon under a Federal Facility Agreement entered into between the Army and the Environmental Protection Agency in 1989. This section was requested by the Department of Defense.

Can you turn this around by Tuesday? Thanks

<image002.jpg>

Pamela Janifer

U.S. Environmental Protection Agency

Office of Congressional Affairs

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

202.564.6969

Janifer.pamela@epa.gov

<LOG65755-UMATIL_xml.pdf>

<LOG65756-LONGHORN_xml.pdf>

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

2/7/2017

Via Electronic Mail

FORT WAINWRIGHT
DPW ENVIRONMENTAL DIVISION
3023 Engineer Place
FORT WAINWRIGHT, AK 99703

In Re: Acknowledgment Letter for FWA RCRA 92 Day Drum

Dear Eric Dick:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Acknowledgment Letter regarding violations that you disclosed to EPA for the following facility:

Us Army Fort Wainwright
1060 Gaffney Rd
MILITARY RESERVATION
Fort Wainwright, AK 99703

As an incentive for regulated entities to disclose violations that they discover, EPA may eliminate the gravity-based component of civil penalties, and waive any insignificant economic benefit component, where the voluntarily disclosed violations meet the conditions specified in the Audit Policy. EPA's streamlined implementation of this self-disclosure policy provides for self-disclosed violations to be submitted and processed through its "eDisclosure" online system.

Based on the information that you certified and attested to on 2/7/2017 on behalf of FORT WAINWRIGHT in EPA's online eDisclosure system, EPA hereby acknowledges receipt of your disclosure for the following violation(s):

Resource Conservation and Recovery Act (RCRA): Standards Applicable to
Generators of Hazardous Waste (3002)

- Citation for the potential federal violation:

Fort Wainwright is requesting an extension of the 90-day accumulation time for this drum, in accordance with: 40 CFR 262.34(b).

- Permit provisions where applicable:

N/A

- Chemical: Benzene (71-43-2)
- Chemical: Acetone (67-64-1)
- Chemical: Tetrachloroethylene (127-18-4)

This letter does not resolve the above violations. If EPA considers taking an enforcement response regarding this matter, it will determine at that time whether you are eligible for penalty mitigation. In the event that EPA determines that your eDisclosure does not meet the conditions of the Audit Policy, the Agency may assess penalties in accordance with applicable statutes, regulations, and EPA's enforcement response or penalty policies. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

Again, thank you for your disclosure. We appreciate the efforts of the regulated community to discover, promptly disclose, expeditiously correct, and prevent the recurrence of future violations.

/s/

Director, Office of Civil Enforcement

CROMERR Signature ID: _b102650d-7820-4542-a3a3-ec71cd29aaf6

RCRA/3002 Compliance Report



RCRA/3002 Compliance Report for Facility: Us Army Fort Wainwright Policy: Audit Policy

I. General Information

1. Primary NAICS code of this facility

Army

2. Date of last environmental compliance inspection by local, state or federal Agency:

Year: 2016; Month: December; Day: 14

3. Last environmental compliance inspection was performed by:

Golden Heart Utilities

4. Regulatory area covered by inspection:

Wastewater

II. Specific Noncompliance Information

Describe the violation(s).

1. Nature and description of potential violation(s):

RCRA/3002 Compliance Report

One drum of consolidated hazardous waste exceeded the 90-day accumulation time. The drum was scheduled to be picked up on Friday, December 9, 2016; this was accumulation day 88. Due to communication errors by the contracted hazardous waste central accumulation facility manager and the hazardous waste transporter, the drum did not get picked up on day 88. On Monday, December 12, 2016, an alternate central accumulation facility manager caught the error via the inventory tracking system and rescheduled the drum for pick-up. The drum was removed from the facility on Tuesday, December 13, 2016; this was accumulation day 92.

2. Citation for the potential federal violation:

Fort Wainwright is requesting an extension of the 90-day accumulation time for this drum, in accordance with: 40 CFR 262.34(b).

3. Regulatory citation for the state provisions where federally enforceable:

N/A

4. Permit provisions where applicable:

N/A

5. Physical location of the violation at the facility:

Building 3489, Chippewa Street, Fort Wainwright, Alaska 99703

6. Date noncompliance began:

12/12/2016

7. Date of return to compliance:

12/13/2016

8. Identity of Chemical/Pollutant Information, for each chemical/ pollutant

RCRA/3002 Compliance Report

you are disclosing for, specify the a.) chemical/pollutant name or trade name, CAS (Chemical Abstract Society) number, and b.) how much of that chemical/pollutant was involved, in pounds.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Benzene

a.2) CAS Number

71-43-2

b) Amount involved

43 lbs.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Acetone

a.2) CAS Number

67-64-1

b) Amount involved

4 lbs.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

Tetrachloroethylene

RCRA/3002 Compliance Report

a.2) CAS Number

127-18-4

b) Amount involved

81 lbs.

9. Provide the date and description of how the violation was corrected and how any harm was remediated. If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal, State, Local or Tribal authorities an entity may submit its compliance report without an issued permit (provided the maximum extension requests have been exhausted). Please describe the steps taken by the entity to ensure it submitted a timely complete permit application.

Attach documents supporting your actions. For example, include written confirmation from authorities that submittals (e.g., Notice of Intent (NOI), reports, etc.) were received.

The potential violation was corrected on Tuesday, December 13, 2016, when the drum was picked up for transportation to a TSDF. The manifest for this action is attached. No harm occurred, therefore, no remediation was required.

10. Describe what steps were taken to prevent recurrence of the violation and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.

Multiple meetings have been held to identify and correct communication weak points between all parties involved (December 19, 2016 - January 20, 2017). Additionally, the contractor managing Fort Wainwright's central hazardous waste accumulation facility has appointed a new facility manager (December 19, 2016).

RCRA/3002 Compliance Report

Document Name

III. Audit Policy Conditions

Condition 1: Systematic Discovery of the Violation through an Environmental Audit or a Compliance Management System *

The violation was discovered as part of an Environmental Audit. (Check each box that applies; all boxes must be checked to qualify as an audit.) *

- ☐ The audit was systematic;
- ☐ The audit was documented;
- ☐ The audit was periodic and future audits are scheduled; and
- ☐ The audit was part of an objective review.

Or, the violation was discovered as a result of a Compliance Management System (CMS.) (Check each box that applies; all boxes must be checked to qualify as a CMS.) *

- ☒ Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;
- ☒ Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;
- ☒ Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the CMS, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;
- ☒ Efforts to communicate effectively the regulated entity's standards and

RCRA/3002 Compliance Report

procedures to all employees and other agents;

☒ Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and

☒ Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.

☐ Check this box if the violation was discovered in a manner other than through an Environmental Audit or a CMS, and describe the procedure used to discover the violation by using the comment boxes in Section II. Specific Noncompliance Information.

Condition 2: Voluntary Discovery *

The violation was voluntarily discovered. (1st 3 boxes or box 4 must be checked to qualify.) *

☒ The violation was not found through a legally required monitoring procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☒ The violation was not found through a legally required sampling procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☒ The violation was not found through a legally required auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.

☐ The violation was discovered pursuant to audits that were conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement.

☐ This facility does not meet Condition 2.

Condition 3: Prompt Disclosure *

☒ The violation was promptly disclosed within 21 days of discovery.

RCRA/3002 Compliance Report

☐ This facility does not meet Condition 3.

Condition 4: Discovery and Disclosure Independent of Government or Third Party Plaintiff *

The violation was discovered and disclosed independent of Government or Third Party Plaintiff. (1st 5 boxes must be checked to qualify.) *

☒ The discovery and disclosure were made prior to the commencement of a Federal, State or local agency inspection or investigation, or issuance by such agency of an information request. There was no contact (e.g., letter, email, telephone inquiry, etc.) by any government or third party informing the facility of potential or actual violations, or any notification of an impending or commenced inspection prior to the disclosure.

☒ The disclosure was made prior to the notice of a citizen suit.

☒ The disclosure was made prior to the filing of a complaint by a third-party.

☒ The disclosure was made prior to the reporting of the violations to EPA by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity.

☒ The disclosure was made prior to the imminent discovery of the violations by a regulatory agency.

☐ This facility does not meet Condition 4.

Condition 5: Correction and Remediation (One of the first three boxes must be checked to qualify. NODs are only available if the first box is selected) *

☒ The violation(s) were corrected within 60 days of discovery.

☐ The violation(s) were corrected within 90 days of discovery, and a request for extension was made before the expiration of the 60 days, and granted in eDisclosure.

☐ The violation(s) were corrected within 180 days of discovery, and a request for extension was made before the expiration of the 60 days, and justified in eDisclosure.

☐ The violation(s) has not been corrected but a timely and complete permit

RCRA/3002 Compliance Report

application has been filed with the relevant regulatory Agency, and permit issuance is pending.*

☐ This facility does not meet Condition 5.

Condition 6: Prevent Recurrence *

☒ Steps have been or will be taken to prevent a recurrence of the violation disclosed.

☐ This facility does not meet Condition 6.

Condition 7: No Repeat Violations *

The violation disclosed was not a repeat violations (1st 2 boxes must be checked to qualify) *

☒ The same or closely-related violation has not occurred previously at the same facility within the past 3 years.

☒ The same or closely-related violation has not occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same entity.

☐ This facility does not meet Condition 7.

Condition 8: Other Violations Excluded *

The violation disclosed was not an excluded violation. (1st 2 boxes must be checked to qualify.) *

☒ The violation disclosed did not result in serious actual harm, which may have presented an imminent and substantial endangerment to public health or the environment.

☒ The violation disclosed did not violate the specific terms of any order, consent agreement, or plea bargain.

☐ This facility does not meet Condition 8.

Condition 9: Cooperation *

☒ The entity has and will continue to cooperate with EPA in determining

RCRA/3002 Compliance Report

applicability of this policy.

☐ This facility does not meet Condition 9.

IV. Certification

Name of individual submitting this self-disclosure:

Eric Dick

Current date:

02/15/2017

☒ By checking this box, I, the person whose name is displayed above, am authorized to make this certification and certify under penalty of the law that this document was prepared under my direction and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy is conditioned on the truth, accuracy and completeness of this disclosure.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

2/7/2017

Via Electronic Mail

FORT WAINWRIGHT
DPW ENVIRONMENTAL DIVISION
3023 Engineer Place
FORT WAINWRIGHT, AK 99703

In Re: Acknowledgment Letter for FWA RCRA 92 Day Drum

RCRA/3002 Compliance Report

Dear Eric Dick:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Acknowledgment Letter regarding violations that you disclosed to EPA for the following facility:

Us Army Fort Wainwright
1060 Gaffney Rd
MILITARY RESERVATION
Fort Wainwright, AK 99703

As an incentive for regulated entities to disclose violations that they discover, EPA may eliminate the gravity-based component of civil penalties, and waive any insignificant economic benefit component, where the voluntarily disclosed violations meet the conditions specified in the Audit Policy. EPA's streamlined implementation of this self-disclosure policy provides for self-disclosed violations to be submitted and processed through its "eDisclosure" online system.

Based on the information that you certified and attested to on 2/7/2017 on behalf of FORT WAINWRIGHT in EPA's online eDisclosure system, EPA hereby acknowledges receipt of your disclosure for the following violation(s):

- Resource Conservation and Recovery Act (RCRA): Standards Applicable to Generators of Hazardous Waste (3002)

- Citation for the potential federal violation:

Fort Wainwright is requesting an extension of the 90-day accumulation time for this drum, in accordance with: 40 CFR 262.34(b).

- Permit provisions where applicable:

N/A

- Chemical: Benzene (71-43-2)
- Chemical: Acetone (67-64-1)

RCRA/3002 Compliance Report

- Chemical: Tetrachloroethylene (127-18-4)

This letter does not resolve the above violations. If EPA considers taking an enforcement response regarding this matter, it will determine at that time whether you are eligible for penalty mitigation. In the event that EPA determines that your eDisclosure does not meet the conditions of the Audit Policy, the Agency may assess penalties in accordance with applicable statutes, regulations, and EPA's enforcement response or penalty policies. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

Again, thank you for your disclosure. We appreciate the efforts of the regulated community to discover, promptly disclose, expeditiously correct, and prevent the recurrence of future violations.

/s/

Director, Office of Civil Enforcement

To: Shiffman, Cari[Shiffman.Cari@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Badalamente, Mark[Badalamente.Mark@epa.gov]
Cc: Miles, Erin[Miles.Erin@epa.gov]; Mazakas, Pam[Mazakas.Pam@epa.gov]; Barnet, Henry[Barnet.Henry@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; DeLeon, Rafael[Deleon.Rafael@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Leff, Karin[Leff.Karin@epa.gov]; Hindin, David[Hindin.David@epa.gov]
From: Starfield, Lawrence
Sent: Mon 3/27/2017 3:10:31 PM
Subject: RE: Final Administrator Briefing Papers

Excellent. Thank you.

From: Shiffman, Cari
Sent: Monday, March 27, 2017 11:10 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: RE: Final Administrator Briefing Papers

Larry,

Here are the updated final four papers that I am sending now to Derek/Susan for the Administrator's briefing book. The only changes since Friday are catching a few more final formatting issues, changing the headers, adding that EPA has more limited authority for federal facility penalties, and fixing the heading for criminal remedies.

A copy of just the OECA civil enforcement paper along with your e-mail to Ryan from Friday has been printed and dropped off with the Administrator's secretary.

Thanks,

Cari Shiffman, Special Assistant

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: (202) 823-3277

From: Shiffman, Cari

Sent: Friday, March 24, 2017 7:15 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>

Cc: Miles, Erin <Miles.Erin@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Subject: RE: Final Administrator Briefing Papers

Larry,

Attached are the final four papers as PDFs. After I sent the final word versions I noticed some tiny typos (missing period, draft still in header on one document) – those items have all been fixed in these PDFs.

Thanks,

Cari Shiffman, Special Assistant

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: (202) 823-3277

From: Shiffman, Cari

Sent: Friday, March 24, 2017 6:49 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>

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Subject: Final Administrator Briefing Papers

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- 1) EPA's Critical Role in Bringing Civil Enforcement Actions
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- 4) Remedies Available Under Environmental and Criminal Laws

Thanks,

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From: Shiffman, Cari
Sent: Mon 3/27/2017 3:09:44 PM
Subject: RE: Final Administrator Briefing Papers
[OECA Civil Enforcement in States \(OECA Briefing Paper\).pdf](#)
[Inspections and Enforcement Actions Across Media Programs \(OECA Briefing Paper\).pdf](#)
[Remedies Available Under Environmental and Criminal Laws \(OECA Briefing Paper\).pdf](#)
[EPA's Critical Role in Bringing Criminal Enforcement Actions \(OECA Briefing Paper\).pdf](#)

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U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

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To: Leff, Karin[Leff.Karin@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Thur 2/23/2017 4:19:39 PM (UTC)
Subject: RE: Briefing for Administrator Pruitt

Do all Federal Facility Agreements include an opportunity to confer with the Admin'r, or has that been delegated down to the AA level?

Larry

From: Leff, Karin
Sent: Wednesday, February 22, 2017 10:53 PM
To: Cozad, David <Cozad.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Re: Briefing for Administrator Pruitt

My understanding is that some questions were basic- how do we get fed fac to comply; questions about statutory authorities and penalties.

Sent from my iPhone

On Feb 22, 2017, at 7:25 PM, Cozad, David <Cozad.David@epa.gov> wrote:

Thanks. Any idea on what kinds of questions about compliance and enforcement, to help us prepare ?

Sent from my iPhone

On Feb 22, 2017, at 7:17 PM, Leff, Karin <Leff.Karin@epa.gov> wrote:

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Sent from my iPhone

Message

From: Leff, Karin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23E82B63CF414E5E94B609DA277DE6C4-KLEFF]
Sent: 2/23/2017 4:28:32 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Briefing for Administrator Pruitt

The Administrator is the final arbiter of disputes under the FFAs. First the DD, then the RA, then the Administrator.

Karin Leff
Acting Director, Federal Facilities Enforcement Office
US EPA-OECA
202.564.7068 (w)
202.236.3669 (c)

This message is CONFIDENTIAL and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Starfield, Lawrence
Sent: Thursday, February 23, 2017 11:20 AM
To: Leff, Karin <Leff.Karin@epa.gov>
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Sent: Thur 2/23/2017 3:52:47 AM (UTC)
Subject: Re: Briefing for Administrator Pruitt

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Sent from my iPhone

Message

Sent: 6/15/2017 1:08:31 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington [kimberly.fedinatz@navy.mil]
Subject: RE: Washington Navy Yard Penalty Payment

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]
Sent: Thursday, June 15, 2017 8:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

-----Original Message-----
From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
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Message

From: Russell, Heather [Russell.Heather@epa.gov]
Sent: 7/14/2017 5:32:02 PM
To: Pendleton, Gracie [Pendleton.Gracie@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17
Accounts Receivable Date: 03/08/2017
Amount: \$84,100.00
Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Tuesday, July 11, 2017 12:18 PM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 11:34 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton
Attorney-Advisor

ED_001395_00008320-00001

Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:30 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton
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Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
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ED_001395_00008320-00002

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Message

From: Russell, Heather [Russell.Heather@epa.gov]
Sent: 7/12/2017 1:00:13 PM
To: Pendleton, Gracie [Pendleton.Gracie@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Craig double checked for me and we do not have anything here...let me know if we can do anything on our end to get this one closed out. Thanks!

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM
To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Tuesday, July 11, 2017 12:18 PM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 11:34 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:30 AM

To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton
Attorney-Advisor
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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

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From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

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-----Original Message-----

From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]
Sent: Thursday, June 15, 2017 8:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
Sent: Tuesday, May 30, 2017 11:31 AM

To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

-----Original Message-----

From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
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Message

From: Russell, Heather [Russell.Heather@epa.gov]
Sent: 7/11/2017 4:18:29 PM
To: Pendleton, Gracie [Pendleton.Gracie@epa.gov]
CC: Steffen, Craig [steffen.craig@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

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Great. Thanks!

Hope you have fun whatever you're doing! :)

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Craig Steffen
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steffen.craig@epa.gov

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Heather -

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From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]
Sent: Thursday, June 15, 2017 8:28 AM
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Subject: RE: Washington Navy Yard Penalty Payment

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~Kimi

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From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

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To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

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Gracie Pendleton
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Message

From: Russell, Heather [Russell.Heather@epa.gov]
Sent: 6/15/2017 1:27:50 PM
To: Pendleton, Gracie [Pendleton.Gracie@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
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(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

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From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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Sent: Thursday, June 15, 2017 8:28 AM
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Gracie,
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~Kimi

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From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
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To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

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Thanks!

Gracie Pendleton
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Federal Facilities Enforcement Office
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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
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Kimi

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Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

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Message

From: Fedinatz, Kimberly G CIV NAVFAC Washington [kimberly.fedinatz@navy.mil]
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Message

From: Russell, Heather [Russell.Heather@epa.gov]
Sent: 5/31/2017 12:19:15 PM
To: Pendleton, Gracie [Pendleton.Gracie@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Thanks for the update and I will let you know if I hear anything on my end!

From: Pendleton, Gracie
Sent: Tuesday, May 30, 2017 11:32 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: Fw: Washington Navy Yard Penalty Payment

Hi Heather -

Here's what I know. Can you keep me posted on your end and I'll let you know if I hear anything further on mine?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
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-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
Cell: 202-570-9276
Fax: 202-501-0069

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To: Pendleton, Gracie[Pendleton.Gracie@epa.gov]
From: Fedinatz, Kimberly G CIV NAVFAC Washington[kimberly.fedinatz@navy.mil]
Sent: Mon 5/29/2017 4:13:10 PM (UTC)
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

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Message

From: Pendleton, Gracie [Pendleton.Gracie@epa.gov]
Sent: 7/17/2017 11:45:34 AM
To: Russell, Heather [Russell.Heather@epa.gov]
Subject: Re: Washington Navy Yard Penalty Payment

That is great news! Thanks Heather!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
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On Jul 14, 2017, at 1:32 PM, Russell, Heather <Russell.Heather@epa.gov> wrote:

Good news...we finally received the IPAC from DFAS for the remaining amount due so we can close this one out:

Document: NF RCRA-03-2017-0005
SFO: CFC
Original Document Date: 03/08/17
Accounts Receivable Date: 03/08/2017
Amount: \$84,100.00
Collected: \$84,100.00
Due From: U.S. Department of the Navy
Washington Navy Yard
1314 Harwood St. SE,
Washington Navy Yard, DC 20374
Due Date: 04/07/17
Title: RCRA/CAA-03-2017-0005

-----Original Message-----

From: Pendleton, Gracie
Sent: Tuesday, July 11, 2017 3:38 PM

To: Russell, Heather <Russell.Heather@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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From: Russell, Heather
Sent: Tuesday, July 11, 2017 12:18 PM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Cc: Steffen, Craig <steffen.craig@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
We have not received this payment that I can find, I have cc'd Craig from our collections group that handles our IPAC payments just in case I missed something. I have sent back to them what they requested a long while back (MIPR) so not sure what the holdup is on their end...

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From: Pendleton, Gracie
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To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Heather -

I just wanted to make sure this was resolved and EPA received payment. Can you let me know please?

Thanks!

Gracie Pendleton
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-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:30 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton
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Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM

To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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From: Fedinatz, Kimberly G CIV NAVFAC Washington [<mailto:kimberly.fedinatz@navy.mil>]
Sent: Thursday, June 15, 2017 8:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

-----Original Message-----

From: Pendleton, Gracie [<mailto:Pendleton.Gracie@epa.gov>]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM
To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

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Message

From: Fedinatz, Kimberly G CIV NAVFAC Washington [kimberly.fedinatz@navy.mil]
Sent: 6/15/2017 12:27:56 PM
To: Pendleton, Gracie [Pendleton.Gracie@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
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Message

From: Pendleton, Gracie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A680198D56664CA893F70E7F33B30055-PENDELTON, GRACIE]
Sent: 7/11/2017 7:38:11 PM
To: Russell, Heather [Russell.Heather@epa.gov]
CC: Steffen, Craig [steffen.craig@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Heather. I'll wait to hear back from Craig before I raise this to my management. I think we've done what we can on our end.

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Tel: 202-564-2588

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Hope you have fun whatever you're doing! :)

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Attorney-Advisor

Tel: 202-564-2588

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From: Russell, Heather
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To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

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Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

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From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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ED_001395_00008526-00002

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To: Russell, Heather [Russell.Heather@epa.gov]
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Attorney-Advisor
Tel: 202-564-2588

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-----Original Message-----

From: Russell, Heather
Sent: Thursday, June 15, 2017 9:28 AM
To: Pendleton, Gracie <Pendleton.Gracie@epa.gov>
Subject: RE: Washington Navy Yard Penalty Payment

Thanks Gracie- I will be out of the office tomorrow and all of next week so below is our collection officers information and he will be the one that can provide IPAC information (I assume that is how they will be sending the payment since that is what they have done in the past):

Craig Steffen
(513)487-2091 (phone)
(513)487-2063 (fax)
steffen.craig@epa.gov

Heather

-----Original Message-----

From: Pendleton, Gracie
Sent: Thursday, June 15, 2017 9:09 AM
To: Russell, Heather <Russell.Heather@epa.gov>
Subject: FW: Washington Navy Yard Penalty Payment

Heather -

FYI

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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From: Fedinatz, Kimberly G CIV NAVFAC Washington [mailto:kimberly.fedinatz@navy.mil]
Sent: Thursday, June 15, 2017 8:28 AM
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Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
In April Navy sent the \$15k to DFAS (DoD financial agency...I think it processes pay for EPA too) sent a funding document to EPA in April, EPA accepted it, and there is a misunderstanding/miscommunication about how to actually move the money between the two. We are working on connecting all the financial parties. I have no idea how this is so hard, since this is not the first time DFAS has ever paid EPA!

~Kimi

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From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
Sent: Tuesday, May 30, 2017 11:31 AM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Re: Washington Navy Yard Penalty Payment

Thanks for checking on this Kimi. If there's anything you need from me please let me know.

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
Federal Facilities Enforcement Office
1200 Pennsylvania Avenue, N.W.
Room 2213C ARS: MC-2261A
Washington, D.C. 20460
Tel: 202-564-2588
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Fax: 202-501-0069

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From: Fedinatz, Kimberly G CIV NAVFAC Washington <kimberly.fedinatz@navy.mil>
Sent: Monday, May 29, 2017 12:13 PM

ED_001395_00008527-00002

To: Pendleton, Gracie
Subject: RE: Washington Navy Yard Penalty Payment

Gracie,
You are correct; I asked UEM for their payment confirmation the other day, and, in short, the person holding the purse strings did not have the payment information from the CAFO. He's on it now.
V/r,
Kimi

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From: Pendleton, Gracie [mailto:Pendleton.Gracie@epa.gov]
Sent: Wednesday, May 24, 2017 3:55 PM
To: Fedinatz, Kimberly G CIV NAVFAC Washington
Subject: [Non-DoD Source] Washington Navy Yard Penalty Payment

Hi Kimi -

I received an e-mail from our financial office. To date they have not received the portion of the payment due from UEM for 15k though they did receive a portion of the penalty (\$68,532) from NWCF.

Do you think you can help us figure out what is going on?

Thanks!

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Message

From: Pendleton, Gracie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A680198D56664CA893F70E7F33B30055-PENDELTON, GRACIE]
Sent: 5/30/2017 3:32:14 PM
To: Russell, Heather [Russell.Heather@epa.gov]
Subject: Fw: Washington Navy Yard Penalty Payment

Hi Heather -

Here's what I know. Can you keep me posted on your end and I'll let you know if I hear anything further on mine?

Thanks!

Gracie Pendleton
Attorney-Advisor
US Environmental Protection Agency
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Sent: Tue 5/30/2017 3:31:24 PM (UTC)
Subject: Re: Washington Navy Yard Penalty Payment

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Thanks!

Gracie Pendleton
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From: Pendleton, Gracie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A680198D56664CA893F70E7F33B30055-PENDELTON, GRACIE]
Sent: 6/15/2017 1:29:59 PM
To: Russell, Heather [Russell.Heather@epa.gov]
Subject: RE: Washington Navy Yard Penalty Payment

Great. Thanks!

Hope you have fun whatever you're doing! :)

Gracie Pendleton
Attorney-Advisor
Tel: 202-564-2588

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Heather -

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It happens. Thanks for staying on top of this. I appreciate it.

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